



STELLENBOSCH

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MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

**NOTICE OF MUNICIPAL PLANNING
TRIBUNAL MEETING
OF STELLENBOSCH MUNICIPALITY
FRIDAY, 2022-03-18 FROM 10:00-15:00**

VOLUME 1



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**NOTICE OF MUNICIPAL PLANNING TRIBUNAL MEETING
OF STELLENBOSCH MUNICIPALITY**

FRIDAY, 2022-03-18 FROM 10:00-15:00

Ref. no. 3/4/5/2/40

2022-03-18

Chairperson

Dr DJ Du Plessis

Deputy-Chairperson

Ms C Havenga

External Members

Mr C Rabie

Dr R Pool-Stanvliet

Mrs H Crooijmans-Lemmer

Mr J Knight

Mr E Delport

Internal Members

Mr M Williams - Senior Legal Advisor

Mr A van der Merwe: Senior Manager - Community Services

Mr C Alexander: Senior Manager - Development Planning

Technical Advisor

Mr K Munro - Director Environmental & Spatial Planning: Department of
Environmental Affairs and Development Planning

*Notice is hereby given in terms of Section 75(1) of the Stellenbosch Municipality Land Use Planning By-Law (2015), of the Municipal Planning Tribunal Meeting which will be via **MS TEAMS (Virtual Meeting)** on **FRIDAY, 2022-03-18 from 10h00-15:00** to consider the items on the Agenda.*

Dr DJ Du Plessis

CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL



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MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 21 JANUARY 2022**MINUTES OF THE STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL MEETING
HELD ON FRIDAY, 21ST OF JANUARY 2022 via MS TEAMS****Ref. no. 3/4/5/2/40****2022-01-21**Chairperson

Dr DJ Du Plessis

Deputy Chairperson

Ms C Havenga

External Members

Mr C Rabie

Dr R Pool-Stanvliet

Mrs H Crooijmans-Lemmer

Mr E Delpont

Mr J Knight

Internal Members

Mr B de la Bat: Manager - Spatial Planning

Mr S van der Merwe: Environmental Planner

Mr G Cain: Manager: IDP & Performance Management

Mr A van der Merwe: Senior Manager: Community Services

Technical Advisor

Mr K Munro: Director - Development Management, Department Environmental Affairs and Development Planning

Officials

Mr S Carstens: Senior Manager – Development Management

Mrs C Kriel: Manager: Land Use Management

Mr P April: Senior Town Planner

Mr R Fooy: Senior Town Planner

Ms B Zondo: Senior Town Planner

Ms N Dafeti: Town Planner

Mr A Okkers: Landuse Intern

Ms S Gumede: Landuse Intern

MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 21 JANUARY 2022

Ms O Sims: Administrative Officer: MPT

Mr K Mculu: Informal Settlements

Mr C Taylor: Infrastructure Services

Applicants

Mr H Spies: Similan (SMPT 05/01/22)

Mr P Schaafsma: Stellenbosch Interest Group (SIG) (SMPT 05/01/22)

Mr S Pillay: ETL Consulting (SMPT 06/01/22)

ITEM	SUBJECT
SMPT 01/01/22	OPENING AND WELCOME
	Chairperson Du Plessis welcomed all.
SMPT 02/01/22	LEAVE OF ABSENCE
	Mr Mervin Williams Mrs Myra Francis
SMPT 03/01/22	DISCLOSURE OF INTERESTS
	No interests were disclosed.
SMPT 04/01/22	MINUTES OF THE PREVIOUS MEETING DATED 19 NOVEMBER 2021
	The minutes of the previous meeting was noted.
	MATTERS FOR CONSIDERATION
SMPT 05/01/22	APPLICATION FOR REZONING, SUBDIVISION, APPROVAL OF DEVELOPMENT NAME, APPROVAL OF SITE DEVELOPMENT PLAN AND ALLOCATION OF STREET NAMES AND NUMBERS, ON FARM 81/33, STELLENBOSCH (LU/10917)

Oral Representations:

- a) Mr Spies made an oral presentation on behalf of the developer, Similar as attached to the Minutes.
- b) Mr Schaafsma made an oral submission on behalf of the Stellenbosch Interest Group, as attached to the Minutes.
- c) Clarity was sought from the Developer on the school site and whether it will be a public school. Provision has been made for a school site but no developer has yet been identified. The developer did discuss the proposal with WCED, who indicated that the Department cannot commit to the school due to other commitments and a limited budget. Overall planning is required for education facilities in the area, and not for this development only.
- d) Clarity was given on the proposal for a gated development. Based on the specific context of the site certain security measures may be considered reasonable in this instance. Various areas of the development will still be accessible to the general public and there are still adequate opportunities for linkages with adjacent proposed developments.
- e) The topography, slope and soil conditions of the site presents a challenge to increase the density. Options such as the provision of basements will increase the development costs and hence affect the affordability of the end product. The development proposal went through an extensive approval process with Heritage Western Cape who had certain requirements with regard to e.g. height.
- f) The proposal for a swimming pool open to the public, will be a privately managed facility and not a public facility.
- g) It is confirmed that the property has been transferred to the developer in March 2018 and that the submission indicated the incorrect property owner details (which was correct at date of submission of application).

Discussion:

- h) Concerns are raised regarding the increase in traffic on the R304 into town and the timeframe for the upgrade / dualling of the road which is a provincial road. It was emphasised that the dualling of the R304 between the R44 and Bottelary Road has been identified as a requirement in the Traffic Impact Assessment (TIA) by iCE Group in terms of this development. The need for an integrated mobility strategy for development in this area was expressed as well as the TIA 's limitation in terms of only focussing on vehicle travel and not on Public transport and NMT options/planning and design. The Arterial Management Plan included the dualling of the road as part of the overall planning of the area in the past, but lack of funds has always been a challenge.
- i) The density and proportional development contribution of units for the subject property do not attain the recommended densities prescribed for Precinct 10 as set out in the draft Adam Tas Corridor (ATC) Local Spatial Development Framework (LSDF). This will compromise the objectives to reach critical thresholds to support e.g. public transport as well as cover the cost of required infrastructure. The development of the ATC is also intended to accommodate a substantial proportion of future growth of the town, to limit the need to develop green areas in future.
- j) It was suggested that clear guidelines regarding the requirements and vision of the draft ATC Policy should be provided to applicants to ensure that applications are aligned with these guidelines and facilitate efficient processing of applications in the ATC corridor.
- k) The inclusion of the subject property within the urban edge in the approved SDF, and the exclusion of another property and comment of the WCDOA were discussed.
- l) The merits of the application and proposed development in general are supported by members subject to certain proposed alterations to the subdivision plan proposal.

UNANIMOUSLY RESOLVED:

1. That the following applications in terms of the Stellenbosch Municipality Land Use Planning By-Law, 2015 for the Farm 81/33, Stellenbosch:
 - 1.1 The **rezoning** in terms of Section 15(2)(a) of the said Bylaw from Agriculture Zone to Subdivisional Area, to permit the following land uses:
 - a) Multi-Unit Residential Zone erven for group housing and flats/ apartments.
 - b) Local Business Zone erven for retail purposes.
 - c) Education Zone erf for purposes of a school.
 - d) Community Zone erven for purposes of a church and clubhouse, hall, crèche, day-care, restaurant, amphitheatre, pool, sport and recreation facilities and ancillary uses.
 - e) Utility Services Zone erven for purposes of a public road and authority use.
 - f) Private Open Space Zone erven for purposes of private open spaces and a private road.

BE APPROVED in terms of Section 60 of the said Bylaw subject to conditions of approval in terms of Section 66 of the said Bylaw.

2. **Conditions of Approval:**

- 2.1 A revised Subdivision Plan for the subdivisional area zone be submitted for approval which addresses the following matters:
 - a) Density of the development in accordance with the provisions and proposed thresholds of the draft Adam Tas Corridor Local Spatial Development Framework and draft Adam Tas Corridor Development Guidelines (2021) for Precinct 10.
 - b) The extent of the approved land uses as proposed in the

	<p>application be amended to meet the density requirements of the draft Adam Tas Corridor Development Guidelines.</p> <ul style="list-style-type: none"> c) Integration of the proposed development with the surrounding areas and new developments. d) Provision of "Inclusionary Housing". e) The provision of appropriate integrated public transport and NMT infrastructure taking into consideration the surrounding areas and proposed new developments in this precinct. <p>3. The reasons for the above decision are as follows:</p> <ul style="list-style-type: none"> 3.1 The subject property is located within the Stellenbosch urban edge as indicated in the approved MSDF. 3.2 The development of the subject property is in support of Council's Northern Extension Project as well as the ATC initiative. 3.3 Proposes to provide in a wide array of different housing typologies for different income groups.
<p>SMPT 06/01/22</p>	<p>APPLICATION FOR TEMPORARY DEPARTURE AND TEMPORARY CLOSURE OF A PUBLIC PLACE: UNREGISTERED ERF 3229, FRANSCHHOEK (LU/12400)</p> <p>Discussion:</p> <ul style="list-style-type: none"> a) Members of the Tribunal requested more information regarding the specialist studies undertaken to identify this site as suitable for the proposed temporary relocation of the informal settlement. It was confirmed that these studies undertaken include a Geotechnical Report for the relocation of residents, Land Contamination and an Environmental Impact Assessment. b) The formal layout and limited space available for social activities have been noted and it was proposed that provision is to be made for a play area serving both the new settlement and existing adjacent residential area. c) Questions were asked about the relocation of the people and the

process was explained. The Municipality, with the assistance of National DHS will manage the process. No community meetings have been held, but discussions were held with the two Ward Councillors and further engagements will continue.

- d) Measures to be taken to prohibit pollution of the Stiebeuel River and the monitoring of water quality were discussed and it was confirmed that it will be part of municipal programmes in this regard.

RESOLVED:

1. That the following applications in terms of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015, on Erf 3229, Franschoek, namely:
 - 1.1 a **temporary departure** in terms of Section 15(2)(c) of the said Bylaw for the Temporary Relocation Area, to relocate households that are currently residing in a freshwater dam in the Langrug Informal Settlement to temporary housing for a period of 5 years.
 - 1.2 the **closure of a public place** in terms of Section 15(2)(n) of the said Bylaw for a period of 5 years.

BE APPROVED in terms of Section 60 of the said Bylaw and subject to the following conditions of approval in terms of Section 66 of the said Bylaw:

2. **Conditions of approval:**

- 2.1 The approval applies only to the temporary departure and temporary closure of a public place in question and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council and external authorities.
- 2.2 The structures on the Temporary Relocation Area (TRA) be

removed and the site be rehabilitated after 5 years when this temporary departure lapses and the use of the property revert back to Public Open Space purposes.

- 2.3 The platforms as designed for the TRA should as far as possible be reusable for future public open space purposes and specifically sportfields as is intended for the site.
 - 2.4 Detailed measures be put in place by the applicable municipal departments to prevent people from living in the dam site in Langrug during rehabilitation, as well as to prevent the construction of additional shelters on Erf 3229, Franschoek.
 - 2.5 Provision be made for a play area on the site at a location accessible and to the benefit of all residents in the area.
 - 2.6 Provision be made for the collection of solid waste.
 - 2.7 Building plans be submitted to the Municipal Directorate: Planning and Economic Development for consideration and approval, where required.
 - 2.8 Conditions of approval listed in ANNEXURE H from Cape Winelands Health Department be adhered to.
 - 2.9 Infrastructure and services be installed in accordance with the approved engineering drawings and applicable conditions as listed in the letter dated 7 April 2021 attached as ANNEXURE I.
 - 2.10 The intention of Stellenbosch Municipality to develop the site into a Temporary Relocation Area, as opposed to a sport field, be communicated to the Western Cape Department of Environment Affairs and Development Planning.
 - 2.11 The proposed development and its use to not impact negatively on the Stiebeuel River and the surrounding environment.
3. The **reasons** for the above decision are as follows:
 - 3.1 The temporary relocation of the informal structures of the Langrug residence from a freshwater dam had become an emergency and requires immediate intervention, while

	<p>alternatives are being explored by the municipality to provide safer alternative accommodation.</p> <p>3.2 The proposed TRA site, although zoned Public Open Space for sport field activities, is not currently a developed and active sporting facility, but an illegal dumping site earmarked for sporting activities in future.</p> <p>3.3 The proposal is temporary in nature, no rezoning of the property is proposed and the land will revert back to the use for sporting facilities after the 5-year period.</p> <p>3.4 The proposed temporary use of a property zoned Public Open Space for residential purposes, do not compromise the objectives and principles of the Integrated Development Plan or the Stellenbosch Municipal Spatial Development Framework, as the property will revert back to its original intended use after 5-years.</p> <p>3.5 Relevant legislative and professional engineering requirements can be complied with.</p> <p>3.6 Specialist studies to assess the feasibility of developing the property as a TRA have been undertaken by the municipality and the outcome of these studies indicate that the property is developable for the intended land use.</p> <p>TO BE NOTED: MPT member Mr Eddie Delpont did not support the application.</p>
<p>SMPT 07/01/22</p>	<p>APPLICATION FOR REZONING, SPECIAL CONSENT AND DEPARTURES: ERF 230, FRANSCHHOEK (LU/10397)</p> <p>Discussion:</p> <p>a) The initiative is supported and members commended the Municipality on similar facilities in other areas.</p> <p>UNANIMOUSLY RESOLVED:</p> <p>1. That the following applications in terms of the Stellenbosch</p>

Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015, on Erf 230, Franschhoek, namely:

- 1.1 **rezoning** in terms of section 15(2)(a) of the said Bylaw of the property from Single Residential Zone to General Business for purposes of a local economic development hub/business incubator.
- 1.2 **special consent** in terms of section 15(2)(o) of the said Bylaw to use a portion of Erf 230, Franschhoek for institutional (training) purposes.
- 1.3 **Departure** in terms of Section 15(2)(b) of the said Bylaw for the under-provision of parking (8 bays instead of 16,06 bays).

BE APPROVED in terms of Section 66 of the said Bylaw subject to conditions.

- 1.4 **Departure** in terms of Section 15(2)(b) of the said Bylaw to allow a vehicle entrance/ access & exit of wider than 6m where they cross the Daniel Hugo boundary of Erf 230, Franschhoek.

BE REFUSED in terms of Section 66 of the said Bylaw

2. Conditions of Approval:

- 2.1 The approval applies only to the proposed application, and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council.
- 2.2 The approval will lapse if not implemented within the timeframe stipulated in the subject Bylaw.
- 2.3 A Site Development Plan which illustrates the overall proposed development be submitted for approval by the Authorised Official prior to the submission of building plans. The Site Development Plan must include the following:
 - i) All relevant information about the extent of the proposed development, floor area allocations and parking supply to

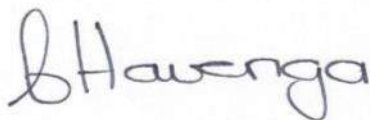
	<p>illustrate compliance with the development parameters of the scheme;</p> <ul style="list-style-type: none"> ii) Elevations and cross sections of the new development; iii) The details of proposed vehicle access, parking areas on the western side of the property (including bicycle facilities) and pedestrian footpaths; iv) Details of proposed fencing or walls around the perimeter of the land unit (if applicable); v) Landscape proposals; vi) Cognisance be taken of the provisions of the Franschhoek Conservation Overlay Zone. <p>2.4 The following condition of the Manager: Electrical Services as contained in their memo dated 03 June 2020, attached as ANNEXURE L, be complied with:</p> <ul style="list-style-type: none"> i) All charges and re-rating of services as well as upgrades is for the applicant's cost via a rechargeable cost application. <p>2.6 Building plans to be submitted to the Municipality for approval.</p> <p>3. Matters on the application TO BE NOTED:</p> <ul style="list-style-type: none"> 3.1 Business licence and a liquor licence be applied for, if required. 3.2 The consultant must provide the department with a permit from Heritage Western Cape for any additions and alterations to the existing structure older than 60 years before a building plan can be approved. <p>4. The reasons for the above decision are as follows:</p> <ul style="list-style-type: none"> 4.1 The proposal will not have a negative impact on the surrounding properties and their rights as it is in keeping with the character of the area. 4.2 The proposed land use will also improve the quality and functionality of the existing under-utilized public facilities. 4.3 The proposed LED hub is within walking distance to public transport routes and other businesses and will not increase
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	<p>vehicular movement in town.</p> <p>4.4 The under-provision of parking will not have a negative impact on the environment since the property is situated in close proximity to the municipal parking area.</p> <p>4.5 The business incubator (LED Hub) will provide entrepreneurs, start-up businesses and SMME'S access to rental space, shared basic business services and equipment as well as technology support services.</p> <p>4.6 The departure for an access wider than 6m is not supported as the site is located in the historic area (Urban Conservation Overlay Zone) with a limited number of vehicles visiting the site. Pedestrian movement should receive preference in this area.</p>
<p>SMPT 08/01/22</p>	<p>OTHER MATTERS</p> <p>The next meeting is scheduled for 18 February 2022.</p>



Dr D du Plessis

CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL



Mrs C Havenga

DEPUTY CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL



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THE STELLENBOSCH MUNICIPALITY			
PLANNING REPORT: LAND USE AND LAND DEVELOPMENT APPLICATION: REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND CONSENT USE ON FARM No. 1653, PAARL DIVISION			
Application Reference	File Ref: LU/9520	Application Date	2019/04/25
		Last day for comments or additional information	2020/02/12

PART A: APPLICANT DETAILS			
First name(s) & Surname	Dirko Loots		
Company name	WPP		
SACPLAN registration number	C/9207/2020		
Registered owner(s)	Stellenbosch Municipality	Is the applicant properly authorised to submit the application	Yes

PART B: PROPERTY DETAILS			
Property description	Farm No. 1653	Administrative District	Paarl Division
Physical address	Robertsvei Road, La Motte (See Annexure A)		
Extent (m ² /ha)	17.3991 ha	Nearest Town	Franschhoek
Existing Development and Current land use	Fire Station		
Any unauthorised land use/building work	None		
Title Deed Nr.	T. 45558/2017 (See Annexure B)		
Current zoning and approved land use rights as per Zoning Scheme Bylaw 2019	Agriculture and Rural Zone.		

PART C: APPLICATION DETAILS	
Applications(s)	<p>1. Application is made in terms of Section 15(2)(f) of the Stellenbosch Municipality Land Use Planning By-Law, October 2015 for the removal of restrictive title deed conditions <i>l. A(1)(a) and l. A(1)(b)</i> as contained in the deed of transfer number T. 45558/2017 applicable to Farm No. 1653, Paarl Division, in order to accommodate the proposed 15m high freestanding telecommunication base station with associated equipment. The restrictive title deed conditions to be removed reads as follows: (See Annexure B)</p> <p><i>A(1)(a): "The land may only be used for township development of low-cost housing and related infrastructure".</i></p> <p><i>A(1)(b): "If the land is no longer used or required for the above said purposes, then the land will revert to the State at no charge, and in such event, the land will be retransferred to the state at the cost of the Municipality".</i></p> <p>2. Application is made in terms of Section 15(2)(o) of the Stellenbosch Municipality Land Use Planning By-law, 2015 for a Consent Use in order to construct a 15m high freestanding telecommunication base station with associated equipment as shown on plan number ATSA1143, dated 8 March 2019 and drawn by D. Loots of WPP town & regional planning consultant on Farm 1653, Paarl Division.</p>
Purpose of Application	<p><u>Purpose of application</u></p> <p>The main purpose of the application is for the construction of the Telecommunication base station (See ANNEXURE C) that comprises the following:</p> <p>A 15m high monopole mast 12 x antennae attached to the mast Microwave dishes attached to the mast 4 x equipment containers</p>
Pre-consultation	No pre-application meeting was deemed necessary.

PART D: APPLICATION BACKGROUND

1. Location of the property

The subject property is located along Robertsvlei Road and easy access to the property can be gained via an unnamed gravel road that links with Robertsvlei Road. The existing access to the property will be used to access the proposed base station.

2. Development context of surrounding area

The proposed 15m high telecommunication base station is to be located on the Remainder of Farm No. 1653, Paarl Rd. The surrounding area is characterised by agricultural activities and residential properties (La Motte), all of which are very depended on efficient and reliable internet and communication connectivity. The R45 is located to the north of the subject property and serves as the main distributor in the area. La Motte and Wemmershoek are located to the west, and Le Roux and Franschoek to the east of the subject property.

3. Historic use and development of subject property

The application property is split into two by Bergendal Street and a portion of the western section of the property is developed with a fire station. The remainder of the property is vacant and covered with grass and shrubs.

PART E: APPLICATION OVERVIEW AND MOTIVATION

- Due to factors including densification, urbanisation and influx of seasonal guests especially over festive seasons and holidays, in a tourist attractive place like Stellenbosch, dropped calls and poor network coverage are experienced. This application is motivated by several customer complaints (from residents, businesses and commuters) received by service providers in and around the area of La Motte.
- The increase in coverage brought by the proposed freestanding telecommunication base station will aid the local businesses and can unlock the much-needed growth potential which will have a positive economic impact.
- Residents, businesses and commuters will have a more secure connection to emergency services and armed response which will have a huge social impact.
- The owner of the equipment is willing to co-locate.
- The proposed base station will not interfere with the current use of the property and there are no negative impacts on the surrounding land uses and environment. No trees need to be removed to build the base station and no buildings with heritage value will be affected.
- The fact that there are only a few telecommunication base stations in the surrounding area supports the statement that there is a clear need for coverage in the area.
- Other determining factors such as altitude, zoning and the visual impact of the proposed base station were taken into consideration when deciding the suitable property for the proposed mast.

- Alternative sites were considered during the initial stages of the proposal but this option is deemed the most acceptable option in terms of visual impact and based on the requirements of the network providers, contractors and land owner.
- The mast has been proposed at a minimal height of 15m in order to reduce the visual impact of the mast.
- The mast is furthermore proposed as a monopole type structure in order to make the structure look less bulky. A tree mast can also work at this location, but would be more visible from the main road (R45).
- The mast, equipment and fence can be painted suitable colours in order to further reduce the visual impact, should it be required.

PART F: PUBLIC PARTICIPATION, COMMENTS AND RESPONSE

The application has, in terms of Chapter IV of the Stellenbosch Municipality Land Use Planning By-Law, October 2015 been advertised in press, registered notices were served on interested and affected parties, Ward Councillor and a notice was placed on site. Two objections were received from Franschhoek Heritage & Ratepayers Association and from Barry Phillips (See **Annexure E**). Six (6) unclaimed letters returned and were for the following property owners (See **Annexure F**):

- Mej M Buizedenhout (Akkerhoutlaan)
- Me. G Breda (Akkerhoutlaan)
- Mev EJ Jephthas (Akkerhoutlaan)
- La Croix Du Sud Holdings Ltd
- Me K van Wyk (Akkerhoutlaan)
- E Afrikaner (Akkerhoutlaan)

Portfolio of Evidence and affidavit from the applicant is attached as **Annexure G**. The application was also circulated to applicable internal departments, no objection was received.

1. Process followed

Methods of advertising				Date published	Closing date for Objections/comments
Press (Paarl Post)	Y	N	N/A	n/a	n/a
Notices	Y	N	N/A	12 December 2019	15 January 2020
Ward councillor	Y	N	N/A	12 December 2019	15 January 2020
On-site display	Y	N	N/A	12 December 2019	15 January 2020
Community organisation(s)	Y	N	N/A	12 December 2019	15 January 2020
State departments	Y	N	N/A	12 December 2019	12 February 2020

2. Public & stakeholder inputs

2.1 Barry Phillips

- a) La Motte as an area where poor network coverage, dropped calls are experienced. This statement has not been supported by any evidence by the applicant.
- b) Paragraph 4.8.1 of the applicant refers to section 5.15 of the Stellenbosch Municipality's IDP. This deals with the municipality's ICT systems and has nothing to do with this application or La Motte. It is not at all clear why this reference is made.
- c) The applicant motivates that the application is required following several complaints from residents, businesses and commuters) received by service providers in and around La Motte - this is a speculative proposal.
- d) There are very few businesses in La Motte. The Zoning Map for La Motte shows that there are only three properties that are zoned Local Business. It is not apparent to what extent mobile communication is important for any of them.
- e) If any commuters were experiencing problems while en-route to or from La Motte, they would quickly be out of the 500m maximum coverage range of the new LTE base station so it would be of absolutely no benefit to them.
- f) The applicant makes assertive statements with no supportive evidence.
- g) The Stellenbosch Municipality SDF, 2019 earmarks La Motte as "a place of living for workers mostly engaged in agricultural work on surrounding farms without a significant commercial component supported by passing trade."
- h) The alleged basis for the motivation for this application lacks all credibility and must, therefore, be disregarded.

- l) Farm No.1653 is 17.3991ha as it is more than 5000m² and the proposed FBTS will change the character and result in a change to the nature, appearance or physical nature of land, the proposed development constitutes development as defined in Section 1 of the NHRA and therefore a notice must be given to the Heritage Western Cape.
- j) The proposed location of the Freestanding base Telecommunications Station is just over 500m from the R45 which is designated as a Scenic Route Overlay Zone in the IZS.
- k) The principal purpose of Scenic Route Overlay Zone as set out in s254 (1) of the IZS is to "protect, conserve and enhance the visual environment and scenic resources adjacent to important tourist and transport routes which provide the unique sense of place for residents and visitors.
- l) In terms of s260(3) of the IZS, "Where an application is made for new or additional development rights or departures from this scheme. The Municipality shall only grant its approval if it is satisfied that the proposal will not have a negative visual impact".
- m) In such a sensitive location it is really insufficient for the applicant to simply claim (as it does in paragraph 5.2.4 of the Motivation) that the "mast will not have a significant visual impact on the R45".
- n) The sections of both the R45 opposite the proposed location of the mast and the Roberstviei Road that appears to be within 200m of it are CMP Scenic Routes and therefore, classified as a Grade II Heritage Resource.
- o) Farm No.1653 is in a Landscape Unit that is a Grade IIIa Heritage Resource, the Roberstviei Road is a Grade IIIb Scenic Route and the nearby section of the R45 is a Grade II Scenic Route.

2.2 Franschhoek Heritage Ratepayers Association

- a) FHRA objects to consenting the proposed removal of restrictive title deed conditions and consent use.
- b) Numerous similar applications have been received recently for the Franschhoek area, we have added comment from our legal consultant which best sets out our concerns. This is reflected in the attachment from Mr. Barry Phillips.
- c) Too many unsightly telecommunication towers are being considered without due consideration being given to the adverse effect on the Heritage value of the area.
- d) no consideration given to consolidating service provider sites, resulting in similar unsightly towers now being erected in close proximity to each other.

3. Government related inputs received

- a) **Department of Environmental Affairs and Development Planning (Environment)**- Environmental Authorisation is not required as the proposal does not constitute any listed activities. [see **Annexure H** for letter dated 8 February 2022].
- b) **Heritage Western Cape**: there is no reason to believe that the proposed telecommunication mast on Farm No. 1 653, Robertsvlei Road, will impact on heritage resources, no action under Section 38 of the National Heritage Resources Act (Act 25 of 1999) is required. (see **Annexure I** for letter dated 7 October 2020).

4. Comments from internal service departments

- a) The **Manager: Spatial Planning** supports the proposal (see **Annexure J** for memo dated 20 February 2020).
- b) The **Director: Engineering Services** has no objection to the proposal (see **Annexure K** for memo dated 7 January 2020).
- c) The **Manager: Fire Services** supported the proposal (see **Annexure L** for comment dated 27 November 2019).
- d) The **Health Officer/Inspector (Cape Winelands District Municipality)** supports the proposal (See **Annexure M** for comment dated 13 January 2020).

5. Response by Applicant to comments received (Annexure N)

Following the objection received during the public participation process, the applicant submitted comments on the objection and the comments can be summarised as follows:

- a) The location of the base station has taken the town of La Motte into consideration and is proposed approximately 300m east of La Motte. This will ensure that La Motte will receive good LTE coverage and that the R45 will also be covered at the same time. The location is therefore ideal and will serve the optimal purpose.
- b) Heritage Western Cape has confirmed, in their letter dated 7 October 2020, that no heritage resources will be affected.
- c) The proposed cell mast is just over 500m from the R45, which is a scenic route. Considering that the height of the mast is a mere 15m in relation to the 500m range (3% in height of

the total range) and the fact that there are numerous trees in the nearby vicinity, will ensure that the mast will be hardly visible from the R45.

- d) The design of the mast can be revised to a camouflaged tree in order to blend in with the trees in the nearby vicinity, which will reduce the visual impact even more.
- e) The proposal is in line with the objectives of the Stellenbosch Telecommunications Mast Infrastructure Policy.

PART G: ASSESSMENT OF LAND USE AND LAND DEVELOPMENT APPLICATION

1. Legislative and Policy Context of land use and land development application

When the decision maker considers a land use and land development application, it must have regard to the general criteria for consideration in terms of Section 65(1) of said Bylaw, as it would relate to the subject land use and land development application.

It is noted that the subject land use and land development application was submitted and processed in accordance with and in compliance with the prescripts of the said Bylaw.

The legislative/ principles/ policies/ guidelines/ plans which are considered as relevant to the subject land use and land development application are as follows:

- a. Stellenbosch Municipality Spatial Development Framework, November 2019
- b. Stellenbosch Telecommunications Mast Policy, 2019
- c. Stellenbosch Municipality Land Use Planning Bylaw, October 2015

2. Assessment of grounds of the land use and land development application

The application at hand is for the removal of restrictive title deed condition that restrict any other land use other than a low-cost housing and related infrastructure. The said title deed condition makes provision for the use of the property for any infrastructure that is related to low cost housing. It is therefore this Department's view that the telecommunication base mast is related to any township establishment and therefore, the removal of the title deed condition is not required at this stage as the proposed use is not in conflict with the said conditions.

The applicant further applied for a consent use for the construction of a 15m high freestanding telecommunication base station and associated equipment on Farm No. 1653, Paarl Division. The zoning of this property is Agricultural Zone I and is however, not actively farmed, there are no agricultural related activities on the property. It must be noted that the current application was submitted prior the Stellenbosch Zoning Scheme By-Law, 2019 being in place. Section 8 Zoning is therefore applicable for the assessment of this application. Cellular masts within the said zoning scheme have been included on all agricultural zoned properties as Consent Uses by notice number 362/2009, dated 9 October 2009.

The applicant conducted a feasibility study to determine the most appropriate location for the telecommunication mast in order to address the current and future demand to improve network coverage around the subject area. The applicant in their motivation, has provided a visual impact of the proposed telecommunication base mast as viewed from the Robertsvlei Road. The photos provided by the applicant on their motivation report indicate minimal impact of the proposed cellular mast on its surrounding as it is placed in-between established trees. As can be viewed from the picture below, the colour of the proposed cellular mast is eye-catching, this can be set as a condition of approval that a suitable colour that blends with the surrounding environment must be used to paint the mast.



The Stellenbosch Municipality Telecommunication mast policy recommends that the freestanding based masts be placed where they are most compatible with the surrounding locality and where they have impact as little as possible on visual corridors or scenic routes. The mast and associated infrastructure has been placed on the subject

property to ensure minimal visual impact on the surrounding environment and will be partially screened off in light of the proximity of the surrounding trees.

The proposed mast is in line with the objective number 10.3 of the said policy which states that antennas should be located and positioned so that no habitable structures are within a zone of 50m directly in front of the antennas at the same height as all the structures in the area consist of a single storey building.

2.1 Land use principles

The proposed development is not in conflict with the Stellenbosch Municipality Spatial Development Framework which was used as guideline in assessing the application. The proposal will not lead to a loss of any viable agricultural land which is to be protected as promoted by the Stellenbosch MSDF.

2.2 Applicable spatial development frameworks, guidelines, policies

a) Stellenbosch Municipality Telecommunication Mast Infrastructure Policy

The application conforms to the objectives of the Telecommunication Mast Infrastructure Policy.

2.3 Service infrastructure capacity and sustainability

Base station will be connected to the existing power supply on the property.
No Municipal services are affected.

2.4 Any investigations carried out in terms of other laws that are relevant (e.g. EIA, TIA, HIA etc.)

Department of Environmental Affairs & Development Planning and Heritage Western have confirmed that the application does not require any Environmental Authorisation or any further action under Section 38 of the NHRA, 1999.

2.5 Applicable provisions of the zoning scheme

The zoning of the subject property is Agricultural Zone I and Freestanding Base Telecommunications masts within this zoning have been included on all agricultural zoned properties as Consent Uses by notice number 362/2009, dated 9 October 2009.

2.6 General desirability

The proposed mast is 15m in height and is located on a property that has established trees and shrubs. Although the zoning of the property is Agricultural Zone I, there are no agricultural activities taking place on the property therefore the proposal will not have any impact on the existing agricultural viability of the property.

2.7 Assessment of comments on application

As mentioned above, two objections were received from the interested and affected parties, their main concerns were the number of cellular masts in the area, the scenic route being affected and the fact that the subject property is located in a Grade II heritage area. An existing telecommunication base mast within a radius of 2km of the proposed cellular mast.

The applicant has obtained consent to develop from the Heritage Western Cape who confirmed that there are no heritage resources will be impacted upon by the proposed telecommunications base mast. In terms of Section 3.3.1 of the Stellenbosch Heritage Inventory a buffer zone of 500m is recommended on any development occurring within the scenic route. The R45 to Franschhoek has been identified as a scenic route in terms of the Municipality Zoning Scheme By-Law, 2019 however it must be noted that the subject property is located approximately 1km away from the R45 and does not fall within the overlay zone as determined in the said By-Law.

A site inspection conducted revealed that there are a number of trees that will act as a barrier to partially screen the proposed mast from both Robertsvlei Road and the R45. The proposed mast will be 15m high, the height of this mast versus the height of the existing trees implies that the mast will be higher than that of the existing trees, with mitigating measures such as suitable colour that blends with the surrounding environment, the mast should not have an impact. Site inspection photos are attached as **Annexure O**.

3. Additional planning evaluation for removal of restrictions

The title deed contains title deed restrictions which restricts the property to be utilised for low cost housing and associated infrastructure.

Studies were completed in 2017 to support the development of affordable housing on portions of the state land adjacent and proximate to La Motte (MSDF p78). In terms of the Stellenbosch Municipality Spatial Development Framework, the subject property is located inside the urban edge where township developments can occur.

The proposed telecommunications base mast is regarded as infrastructure associated with any residential development and therefore removal of the said title deed condition is not required.

PART H: SUMMARY OF KEY FINDINGS OF ASSESSMENT

After having independently considered and weighted all the relevant information the evaluation of the subject land use and land development application concludes that:

- The mast will have a limited visual impact on the scenic route and its surroundings as it is screened by the existing established trees along the R45 and on the subject property;
- The proposed use is in line with the applicable Stellenbosch Telecommunication mast policy;
- The proposed development will not have an impact on the agricultural viability of the property as the subject property is not actively farmed.

The subject land use and land development application is, having regard to the conclusions above, viewed as in Compliance to the relevant Stellenbosch Telecommunications policy and consequently grounds for the support of the subject land use and land development application.

PART I: RECOMMENDATION

1. That the application in terms of Section 15(2)(f) for the **removal of the restrictive title deed conditions** of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015 on Farm No. 1653, Paarl Division.

BE REFUSED in terms of Section 60 of the said Bylaw for the following reasons:

2. The **reasons** for the above decision are as follows:
 - 2.1 The title deed of the subject property makes provisions for the proposed development as telecommunication base stations are regarded as infrastructure related to township development.
3. That the application for a **Consent Use** in terms of Section 15(2)(o) of the Stellenbosch Municipality Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, on Farm No. 1653, Paarl Division to allow for a 15m high freestanding base telecommunication station with associated equipment

BE APPROVED in terms of Section 60 of the said Bylaw subject to conditions.

4. The approval is subject to the following **conditions** imposed in terms of Section 66 of the said Bylaw:
 - 4.1 The approval only applies to the Consent Use under consideration, as indicated on Drawing ATSA1134 (Sheet 2 – 6), dated 8 March 2019 and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council or other legislation or Bylaws or Regulations that may be applicable.
 - 4.2 The development shall be implemented substantially in accordance with the Site Development Plan (**Annexure C**) Drawing ATSA1134 (Sheet 2 – 6), dated 8 March 2019 and drawn by D. Loots of WPP town & regional planning consultants, allowing:
 - a) 1 x 15m high monopole mast;
 - b) 12 x antennae attached to the mast;
 - c) microwave dishes attached to the mast; and
 - d) 4 x equipment containers.

- 4.3 Building plans must be generally in accordance with the Drawing ATSA1134 (Sheet 2 - 6), dated 8 March 2019 and attached as Annexure C.
- 4.4 Natural areas disturbed during construction must be rehabilitated with indigenous water-wise plants to the satisfaction of the Municipality.
- 4.5 Access to the telecommunication infrastructure and associated equipment be strictly controlled at all times by means of a fence or wall with a locked door or gate to the satisfaction of the Municipality.
- 4.6 No unauthorized person shall be able to come within 5m in front of the panel antennae.
- 4.7 Adequate warning signs in the three official languages must be displayed on the access door or gate, defining it as a no-go zone.
- 4.8 The land owner / operator shall grant the Municipality access at all reasonable times to the installation, for the purpose of monitoring inspection and compliance certification.
- 4.9 The finishing and colour of the panel antennae must be kept in keeping with the building to which it is attached and the surrounding environment.
- 4.10 The consent use be restricted to the fenced compound of the mast and equipment room as depicted on the approved site development plan attached as Annexure C.
- 4.11 The mast, equipment room or any boundary enclosure shall not be utilised for outdoor advertising purposes.
- 4.12 The service provider must be willing to co-host with other service providers.
- 4.13 The applicant / operator is responsible for ongoing maintenance of the entire installation as well as all costs with respect to such maintenance or future decommissioning of the telecommunication infrastructure.
- 4.14 If the site is decommissioned the applicant / operator to remove all site infrastructure and the site to be rehabilitated to its former state or to a condition that is in line with the land use and character of the area at the time of decommissioning to the satisfaction of the Municipality.

5. The **reasons** for the above decision are as follows:

- 5.1. The telecommunication base mast will greatly benefit the users of cellular phones as well as the internet as it will continue increased effectiveness and efficiency of the network in the area.
- 5.2. The proposed use is in line with the objectives of the Stellenbosch Municipality Telecommunication mast policy.

5.3. Existing established trees on the property mitigate visual appearance of the mast on the property.

6. **Matters to be noted:**

- 6.1. The approval granted shall not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the proposed use.
- 6.2. Building plans must be submitted and approved by the Municipality prior to the commencing of any building works, including the preparation of land, which will only be approved when all relevant (or qualified) conditions of approval have been complied with.

PART J: ANNEXURES

ANNEXURE A:	Locality Plan
ANNEXURE B:	Title Deed
ANNEXURE C:	Site Development Plan
ANNEXURE D:	Applicant's Motivation
ANNEXURE E:	Objections received
ANNEXURE F:	Unclaimed letters
ANNEXURE G:	Portfolio of Evidence
ANNEXURE H:	Comments from the DEADP
ANNEXURE I:	Comments from the HWC
ANNEXURE J:	Comments from Spatial Planning
ANNEXURE K:	Comments from Engineering Services
ANNEXURE L:	Comments from Fire
ANNEXURE M:	Comments from Cape Winelands Health
ANNEXURE N:	Applicant's comment on objections
ANNEXURE O:	Site inspection photos

PART K: COMPILATION OF PLANNING APPLICATION ASSESSMENT REPORT**REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND CONSENT USE ON FARM No. 1653,
PAARL DIVISION****Author of Planning Assessment Report:**

Recommended Categorisation of the Application for Authorised Decision Maker:

Name:

Capacity:

SACPLAN Registration:

Signature:

Date:

PART L: REVIEW OF PLANNING APPLICATION ASSESSMENT REPORT**REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND CONSENT USE ON FARM No. 1653,
PAARL DIVISION****Review of Planning Assessment Report:**Name: *Christelle Kriel*Capacity: *MLM*SACPLAN Registration: *Azizlio*Signature: *[Signature]*Date: *25/02/2022*

PART M: SUBMISSION OF PLANNING APPLICATION ASSESSMENT REPORT**REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND CONSENT USE ON FARM No. 1653,
PAARL DIVISION****Authorised Employee to assess and make a recommendation on a land use and land development application for consideration by the authorised decision maker:**

As the duly authorised official in terms of Section 56 of the Stellenbosch Municipal Land Use Planning Bylaw (2015) to assess and make a recommendation on the above planning application, the subject planning report is hereby submitted for consideration to the duly authorised decision maker in accordance with the Categorisation Model for Land Use and Land Development Applications as approved by the Stellenbosch Municipality in accordance with Section 69(1) of the said Bylaw.

In terms of the Categorisation Model duly approved in terms of Section 69(1) of the said Bylaw vide Item 7.7.1 and dated 8 April 2020, the subject application is categorised as follows:

Category: F.4 & O.4

Decision Making Authority: SMPT

Rational: Land Use application on Council Land

Name:

Steen Coertse

Capacity:

SMPT

SACPLAN Registration:

A/1551

Signature:

[Handwritten Signature]

Date:

28/2/2022

PART N: ADMINISTRATION OF PLANNING APPLICATION ASSESSMENT REPORT**REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND CONSENT USE ON FARM No. 1653,
PAARL DIVISION****Administrator to Stellenbosch Municipal Planning Tribunal:**

It is hereby confirmed that proper notice was served of the Municipal Planning Tribunal meeting at which this land use and land development application will serve for consideration.

The land use and land development application will serve at the scheduled meeting of the Stellenbosch Municipal Planning Tribunal on:

Date:

Name:

Capacity:

Signature:

Date:



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ANNEXURE A

**(REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND CONSENT USE ON FARM 1653
No. PAARL DIVISION)**

LOCALITY PLAN

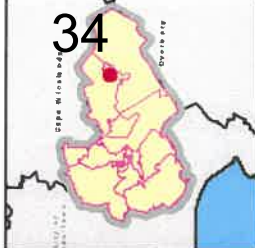
Stellenbosch GIS Map

SCALE

1:4 513,99

Legend

34



Stellenbosch Municipality
Planning & Economic Development
Created by: Corporate GIS

Date: 2022/02/21



Author: Stellenbosch Municipality



Stellenbosch Municipality
Street Address:
71 Flahn Street, Stellenbosch, 7800
Tel: 021 008 0838

This map is developed by Stellenbosch Municipality and is not a legal document. It is for informational purposes only. It does not constitute an offer of any service or product. It is subject to change without notice. It is not to be used for any purpose other than that for which it was developed. It is not to be used as a substitute for a professional survey or other legal document. It is not to be used for any purpose other than that for which it was developed.



Sourcery Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, NOAA, NPS, NRCAN, GeoBC, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), Swisstopo, Swisstopo, Swisstopo, and the GIS User Community, Stellenbosch Municipality



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ANNEXURE B

**(REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND CONSENT USE ON FARM No.
1653, PAARL DIVISION)**

COPY OF TITLE DEED

136

VGV INC
 Ground Floor Tijger Park 2
 Willie van Schoor Drive
 Bellville
 7530

Prepared by me

ma

CONVEYANCER
 MONIQUE ANASTASSIADES

Pêe endorsemment		Office ter's
	Amount	
Purchase price/Value	R. 6 030 000.00	R. 2 100.00
Mortgage capital Amount	R.	R.
Reason for exemption	Exempt i.t. o. Cat. section Act.	

DATA / VERIFY
 1 R AUE ...
 OLIVIER YOLANDI

T 000045558 / 2017

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

MARTHA ANNA RÜSTER

DATA / CAPTURE
 14 AUG 2017
 NIYATYAMBA NOLUPO

appeared before me, REGISTRAR OF DEEDS at CAPE TOWN, the said appearer being duly authorised thereto by a Power of Attorney granted to him by

THE CAPE WINELANDS DISTRICT MUNICIPALITY

which said Power of Attorney was signed at STELLENBOSCH on 14 JUNE 2017.

T.F.

And the said appearer declared that his principal had, on 8 November 2016 truly and legally donated by Deed of Donation, and that he, the said Appearer, in his capacity aforesaid, did, by these presents, cede and transfer to and on behalf of:

STELLENBOSCH MUNICIPALITY

its Successors in Title or Assigns, in full and free property

**REMAINDER OF FARM NUMBER 1653 PAARL
IN THE STELLENBOSCH MUNICIPALITY
DIVISION PAARL, PROVINCE WESTERN CAPE**

**IN EXTENT: 17,3991 (SEVENTEEN COMMA THREE NINE NINE ONE)
HECTARES**

FIRST TRANSFERRED and still held by Deed of Transfer Number T66593/2006 with diagram S.G. Number 5913/2001 annexed thereto.

I WITH REGARD TO the figure C q G H J r on diagram S.G. Number 5913/2001:

A. SUBJECT to the following conditions mentioned in Deed of Transfer Number T46385/2004 imposed by the NATIONAL GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA being:

- 1 (a) The land may only be used for township development of low cost housing and related infrastructure.
- (b) If the land are no longer used or required for the above said purposes, then the land will revert to the State at no charge, and in such event, the land will be retransferred to the State at the cost of the Municipality.
- 2 As far as the identified vacant state land hereby transferred, is concerned the Municipality must grant the State a right of first refusal in respect of the land, free of charge –
 - (a) whenever the Municipality decides to dispose of any superfluous land (other than land earmarked for low-cost housing purposes) or

WA

(b) whenever the State in its National Department of Public Works identified land owned by the Municipality that the Department requires for the domestic purposes of the National Government, and such land is found to be superfluous to the domestic needs of the Municipality up to an amount equal to the current open market value of the state land (hereby transferred) duly escalated to its equivalent future value, as at the date of any such acquisition by the State.

II WITH REGARD TO the figure A B C r s P on diagram S.G. Number 5913/2001:

A. SUBJECT to the following conditions mentioned in Deed of Transfer Number T46385/2004 imposed by the NATIONAL GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA being, which conditions are more fully set out in paragraph I A above.

III WITH REGARD TO the figure N s K M on diagram S.G. Number 5913/2001:

A. SUBJECT to the following conditions mentioned in Deed of Transfer Number T46385/2004 imposed by the NATIONAL GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA being, which conditions are more fully set out in paragraph I A above.

B. SUBJECT to the conditions referred to in Deed of Transfer Number T5519/1918.

IV WITH REGARD TO the figure e middle of French Hoek River f G q D on diagram S.G. Number 5913/2001:

A. SUBJECT to the following conditions mentioned in Deed of Transfer Number T46385/2004 imposed by the NATIONAL GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA being, which conditions are more fully set out in paragraph I A above.

B. SUBJECT to the conditions referred to in Deed of Transfer Number T2016/1917.



Warren Petterson Planning
P.O. Box 152
Century City
7446

T: (021) 552 5255
F: 086 537 9187
C: 083 255 8349
E: dloots@wpplanning.co.za

The Municipal Manager
Stellenbosch Municipality
Town planning Department
Plein Street
Stellenbosch
7600

Conveyancer's Certificate

I/we, _____

ELSIE SOPHIA SWANEPOEL

(Conveyancer's Name)

Hereby wish to certify that a search was conducted in the Deeds Registry, Cape Town, regarding the following property(ies) (Including both current and earlier title deeds/pivot deeds/ deeds of transfer):

Remainder of Farm Number 1653 Paarl, in the Stellenbosch Municipality, Division Paarl, Province of the Western Cape, in extent 17.3991 hectares, held by the Deed of Transfer No. T45558/2017.

In respect of which it was found that there are restrictive conditions registered against such property(ies) prohibiting it from being utilised/ developed for the following purposes:

Telecommunication Base Station

There are Title Deed restrictions in the Title Deed **T45558/2017** relating to the **Use of Land**.

The list of restrictive Title Deed Conditions that had been considered:

- Use of Land
- Building Lines
- Height
- Number of buildings
- Bulk floor area
- Coverage/built upon area
- Subdivision
- Servitudes that may be registered over or in favour of the property
- Other restrictive conditions

Singed at Durbanville on this 16th day of April 2019


(Signature)

Postal address P.O. Box 1893
Durbanville, 7551

Tel: 021 976 8381

Email: _____



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ANNEXURE C

**(REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND CONSENT USE ON FARM No.
1653, PAARL DIVISION)**

SITE LAYOUT PLAN



ATLAS TOWER SITE ID: ATSA1134
ATLAS TOWER SITE NAME: LA MOTTE
PROPERTY DESCRIPTION: REMAINDER OF FARM 1653, STELLENBOSCH RD
ADDRESS: ROBERTSVALEI ROAD, LA MOTTE, WESTERN CAPE
CO-ORDINATES: Lat: -33.891131° Long: 19.077612° **ELEVATION:** 211m



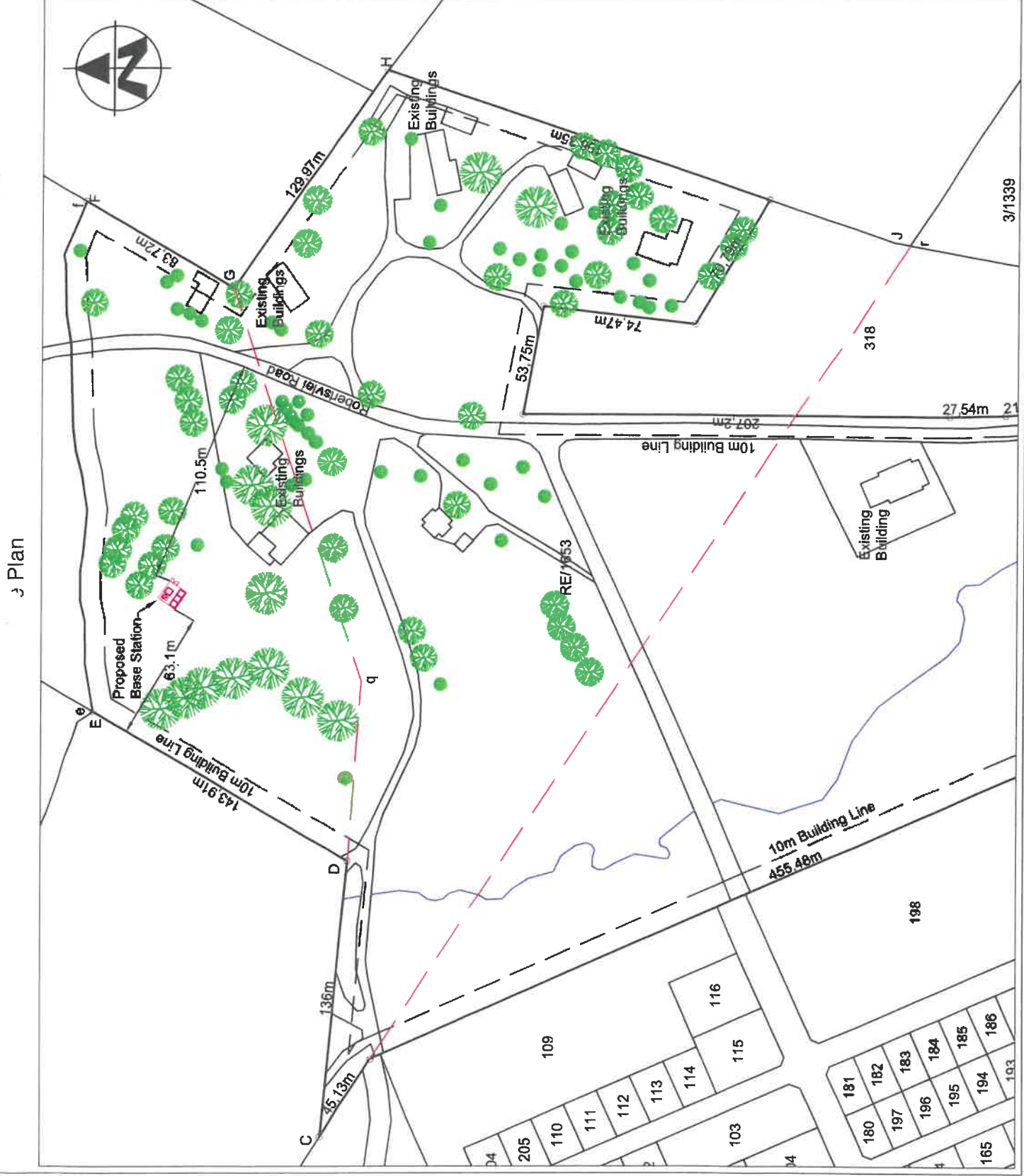
TOWN AND REGIONAL PLANNING CONSULTANTS
 10th Floor
 10th Floor, 10th Floor, 10th Floor
 10th Floor, 10th Floor, 10th Floor
 10th Floor, 10th Floor, 10th Floor

PROJECT: PROPOSED NEW ATLAS TOWER 15m MONOPOLE MAST WITH 10m X 10m BASE STATION
APPROVED MAST: 15m MONOPOLE MAST

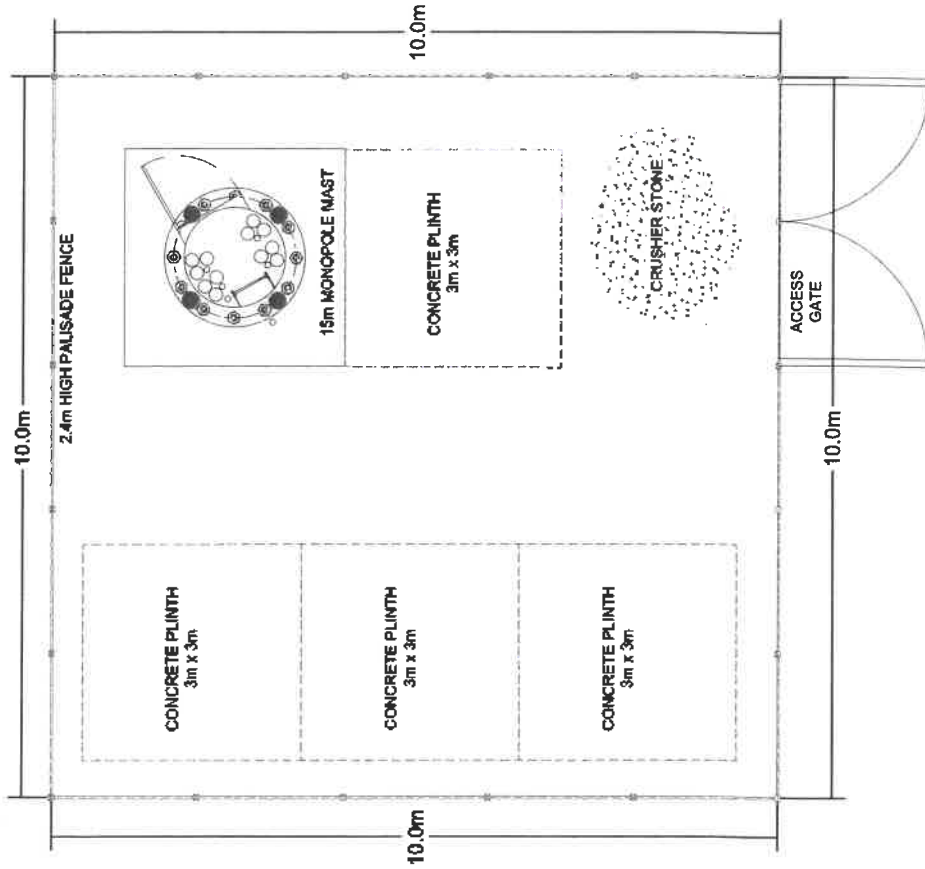
NOTES:
 A) NEW 15m MONOPOLE MAST
 B) 10m x 10m BASE STATION
 C) 2.4m PALLISADE FENCE
 D) BASE STATION: CHIP & STONE SURFACE

DATE	DESCRIPTION	REVISION
08-03-2019	1st Issue	0

DRAWING NUMBER: ATSA1134	SHEET: 2 OF 6
DRAWING TITLE: SITE PLAN	SCALE: 1:2500
DRAWN: D. LOOTS	REVISION: 0
DATE: 2019-03-08	



T View



ATLAS TOWER

95A - INTERNATIONAL

ATLAS TOWER SITE ID: ATSA1134
ATLAS TOWER SITE NAME: LA MOTTE

PROPERTY DESCRIPTION: REMAINDER OF FARM 1663, STELLENBOSCH RD

ADDRESS: ROBERTSVLEI ROAD, LA MOTTE, WESTERN CAPE

CO-ORDINATES: Lat: -33.891151° Long: 19.077612°
ELEVATION: 211m



11th Fl, 3rd Floor
 1221 832 8285
 Fax: 081 617 8187
 Century City, Cape Town
 7845

PROJECT: PROPOSED NEW ATLAS TOWER 15m MONOPOLE MAST WITH 10m X 10m BASE STATION
APPROVED MAST: 15m MONOPOLE MAST

- NOTES:**
- A) NEW 15m MONOPOLE MAST
 - B) 10m x 10m BASE STATION
 - C) 2.4m PALISADE FENCE
 - D) BASE STATION: CHIP STONE SURFACE

DATE	DESCRIPTION	REVISION
08-03-2019	1st Issue	0

DRAWING NUMBER: ATSA1134
SHEET: 3 OF 6

DRAWING TITLE: TOP VIEW

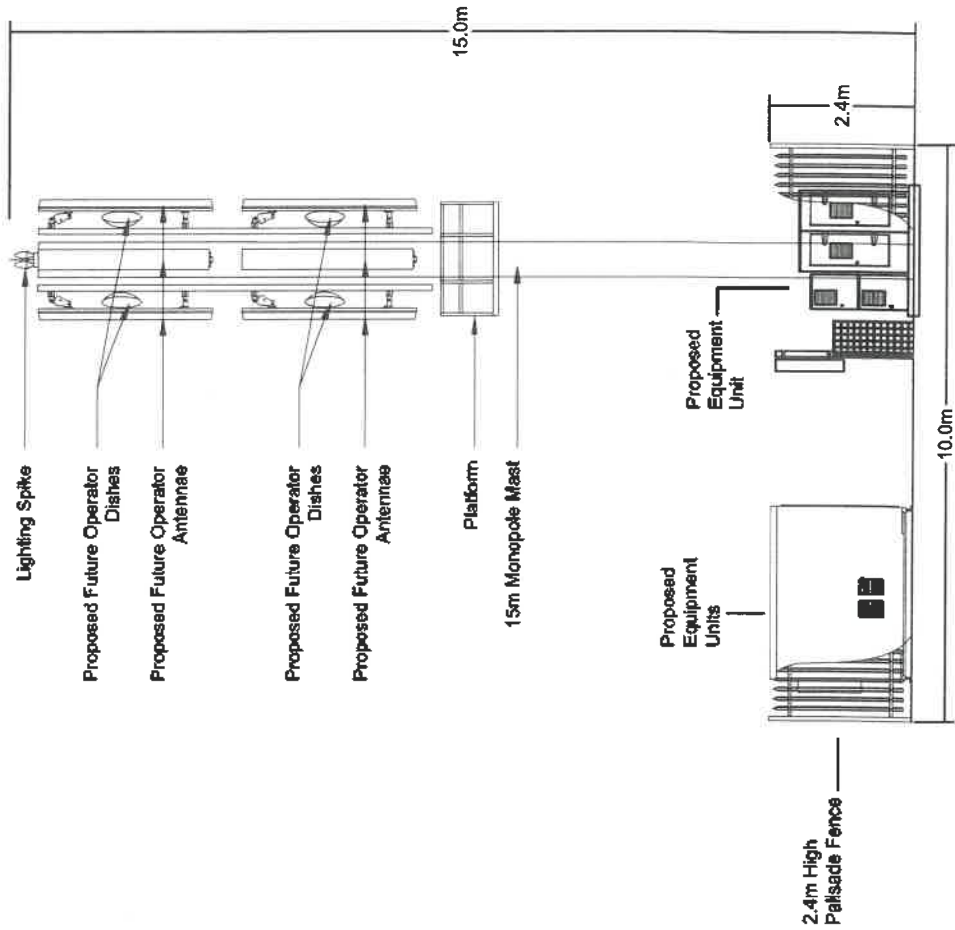
DRAWN: D. LOOTS

SCALE: NTS

DATE: 2019-03-08

REVISION: 0

Elevation



ATLAS TOWER SITE ID:
ATSA1134

ATLAS TOWER SITE NAME:
LA MOTTE

PROPERTY DESCRIPTION:
REMNINDER OF FARM 1653, STELLENBOSCH RD

ADDRESS:
ROBERTSVLE ROAD, LA MOTTE,
WESTERN CAPE

COORDINATES:
Lat: -33.891151°
Long: 19.077612°

ELEVATION:
211m



TOWN AND REGIONAL PLANNING CONSULTANTS
11th Fl, 1st Floor
Main Building, Bridgeway,
Century City, Cape Town
84 Box 852
Cape Town, 7448

PROJECT:
PROPOSED NEW ATLAS TOWER 15m MONOPOLE
MAST WITH 10m X 10m BASE STATION

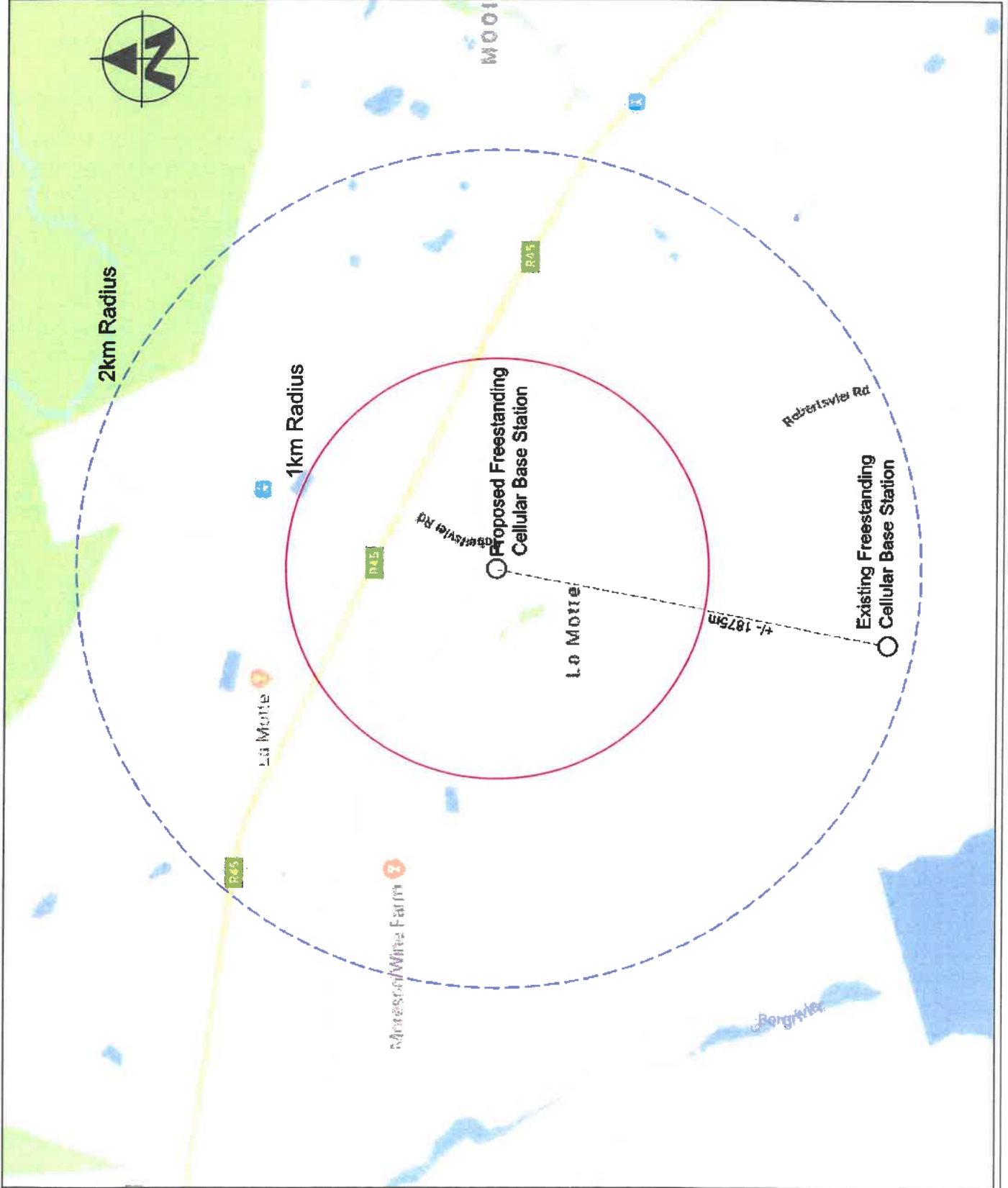
APPROVED MAST:
15m MONOPOLE MAST

NOTES:
A) NEW 15m MONOPOLE MAST
B) 10m X 10m BASE STATION
C) 2.4m PALSADS FENCE
D) BASE STATION: GHP STONE SURFACE

DATE	DESCRIPTION	REVISION
06-03-2019	1st Issue	0

DRAWING NUMBER: ATSA1134	SHEET: 4 OF 6
DRAWING TITLE: ELEVATION	SCALE: NTS
DRAWN BY: D. LOOTS	REVISION: 0
DATE: 2019-03-08	

Surrounding Base Station Map



ATLAS TOWER SITE ID:
ATSA1134

ATLAS TOWER SITE NAME:
LA MOTTE

PROPERTY DESCRIPTION:
REMAINDER OF FARM 1863, STELLENBOSCH RD

ADDRESS:
ROBERTSVLEI ROAD, LA MOTTE,
WESTERN CAPE

CO-ORDINATES: ELEVATION:
Lat: -33.891151" 211m
Long: 19.077612"



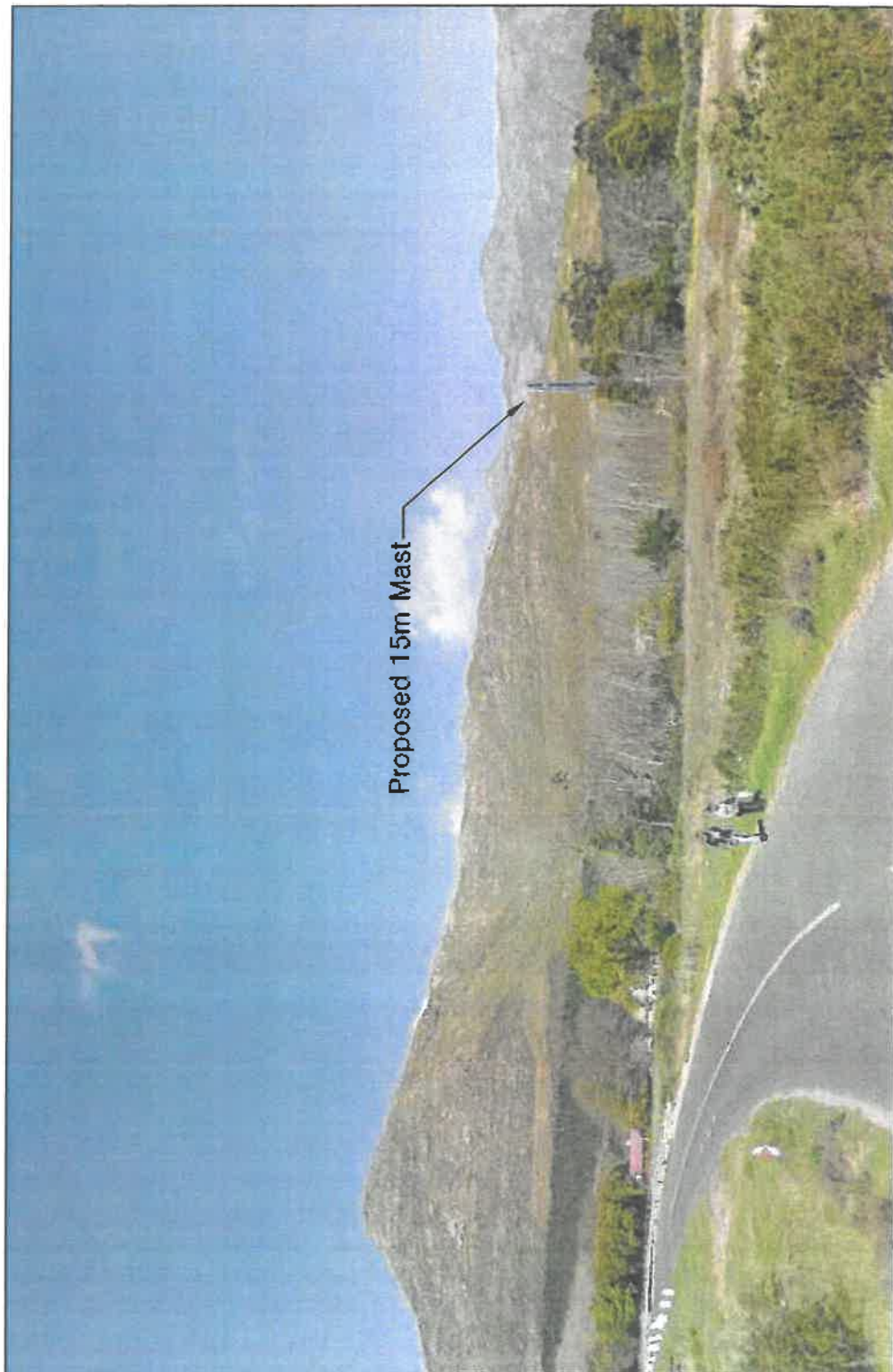
PROJECT:
PROPOSED NEW ATLAS TOWER 15m MONOPOLE
MAST WITH 10m X 10m BASE STATION
APPROVED MAST:
15m MONOPOLE MAST

NOTES:
A) NEW 15m MONOPOLE MAST
B) 10m X 10m BASE STATION
C) 2 X 10m PAULISSE PERIMETER
D) BASE STATION: CHIP STONE SURFACE

DATE	DESCRIPTION	REVISION
06-03-2019	1st Issue	0

DRAWING NUMBER: ATSA1134	SHEET: 5 OF 6
DRAWING TITLE: SURROUNDING BASE STATIONS	
DRAWN: D. LOOTS	SCALE: NTS
DATE: 2019-03-08	REVISION: 0

Artist Impression



Proposed 15m Mast

Superimposition of Proposed 15m Monopole Mast (As Viewed from Robertsvlei Road)

**ATLAS
TOWER**
084 - AITE 03/01/04

ATLAS TOWER SITE ID:
ATSA1134

ATLAS TOWER SITE NAME:
LA MOTTE

PROPERTY DESCRIPTION:

REMAINDER OF FARM 1663, STELLENBOSCH RD

ADDRESS:
ROBERTSVLEI ROAD, LA MOTTE,
WESTERN CAPE

CO-ORDINATES: **ELEVATION:**
Lat: -33.491151° 211m
Long: 19.077612°



TOWN AND REGIONAL PLANNING CONSULTANTS
10th Fl, 2nd Floor
Walter Sisulu Buildings, Postbag 59
Cape Town, Western Cape 7788

PROJECT:
**PROPOSED NEW ATLAS TOWER 15m MONOPOLE
MAST WITH 10m X 10m BASE STATION**

APPROVED MAST:
15m MONOPOLE MAST

NOTES:
A) NEW 15m MONOPOLE MAST
B) 10m X 10m BASE STATION
C) 2mm PALLISADE FENCE
D) BASE STATION: CHIP-STONE SURFACE

DATE	DESCRIPTION	REVISION
06-03-2019	1st Issue	0
DRAWING NUMBER: ATSA1134		
DRAWING TITLE: ARTIST IMPRESSION		
DRAWN BY: D. LOOTS		SCALE: N.T.S
DATE: 2019-03-08		REVISION: 0



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ANNEXURE D

**(REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND CONSENT USE ON FARM No.
1653, PAARL DIVISION)**

APPLICANT'S MOTIVATION

4.8.1. Fourth Generation Five-Year Integrated Development Plan (2017/2022)

The Five-Year IDP (2017/2022) refers to the enhancement of TI in order to provide Stellenbosch with information communicative technologies as set out in section 6.15.

Stellenbosch is faced with the following ICT Industry trends:

- Cloud Computing (Remote hosting) which will bring its own unique challenges to balance systems integration complexities, security measures and potential cost savings.
- Convergence of ICT technologies enabling corporate data and information exchange in a seamless processing environment. Also referenced in the industry as Multi-media – Anytime from anywhere. Social Media – enabling instant collaboration/communication between individuals and between groups. Also referenced in the industry as SMS, Twitter, Blogs, e-mails, photo's, videos and more.
- The Internet of Things (IoT) is the network of physical objects—devices, vehicles, buildings and other items—embedded with electronics, software, sensors, and network connectivity that enables these objects to collect and exchange data

This application is in line with addressing these ICT industry trends as the TI installed on the said property will provide the sought-after services (e.g. Optic-Fibre, 4G and LTE coverage).

4.8.2. Stellenbosch Municipal Spatial Development Framework, 2017

The proposed application is by no means a careless act as it complies with the Integrated Development Plan (IDP) principles as set out in the Stellenbosch Municipal Spatial Development Framework, 2017. These principles are also echoed in the National Development Plan (NDP) and the Provincial Spatial Development Framework (PSDF). The core focus of the IDP principles and the MSDF, are to ensure the spatial transformation through the integration of communities. Spatial transformation in this sense is only possible through the development of denser and more inclusive neighbourhoods. Denser and more inclusive neighbourhoods are possible through the harness of advances in energy, water, transport and telecommunication to improve resource efficiency. Therefore, this application is in-line with the MSDF of Stellenbosch.

5. MOTIVATION

5.1 Historical Background

This section is seen as the motivation of the application as it provides information with regard to the need and desirability, development parameters, site characteristics, visual impact, health and safety and alternative candidates relating to this specific application.



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Over recent years cellular communication in South Africa has evolved from merely a means of convenience to an essential business tool, means of communication and safety measure. Initial high tariff rates limited the accessibility of the product and its service. However, over time more reasonable consumer tariffs and packages have been introduced, making cellular communications more accessible to a much larger portion of the population.

Data usage on the mobile networks is also becoming faster, more affordable, and more accessible. User behaviour patterns are continuously changing in reaction to cheap internet, new data intensive smartphones, data intensive applications and websites, and an increasingly social-media-driven society. These factors resulted in the average consumer data usage doubling every year.

Cellular service providers are taking steps to improve their network by keeping abreast with the advances in communication technology and providing increased capacity in terms of coverage in the areas where there is an increased demand. ATTCELL strives to make this technology available to a wider spectrum of the population.

Atlas Tower has identified La Motte as an area where poor network coverage, dropped calls are experienced. This can have a negative economic spill over effect on the surrounding areas and even the Western Cape.

Newer technology such as LTE provides faster internet to more users which alleviates the pressure on the base station, however its range is very limited. A single old generation GSM voice based base station could cover dozens of kilometres. The new LTE base stations have a maximum coverage range of 500m depending on the number of users.

The congestion of existing sites together with the decrease in its coverage range necessitates that the distance between base stations decreases, resulting in the need for construction of new freestanding and rooftop cellular base stations. It is estimated that cellular network operators in South Africa will build more than 4000 new base stations over the next 5 years.

The proposed site is located at a nominal point as identified by Atlas Tower network planners. By utilizing sites located at the networks' nominal points the number of future base stations is limited and an effective service network can be developed.

5.2 Planning Motivation

Please read together with previous sections in this application. This Consent Use application to allow the erection of a 15m freestanding telecommunication base station should be supported based on the following grounds:

5.2.1. Need and Desirability

In a modern-day society, the dependency on communicative technology becomes increasingly higher. This is due to the society's utilisation of more mobile devices and more than one device per household which mainly relies on internet connectivity (e.g. smartphones, portable computers, tablets/ipads etc.). These devices are used for multiple purposes including socialisation, business related uses and accessibility to important emergency services. Due to factors including densification, urbanisation and influx of seasonal guests especially over festive seasons and holidays, in a tourist attractive place like Stellenbosch, dropped calls and poor network coverage (related to both voice and data) are experienced. This application is motivated by several customer complaints (from residents, businesses and commuters) received by service providers in and around the area of La Motte. Atlas Tower identified several positions in the area that need to be equipped with base stations to alleviate the pressure and to cater for the ever-increasing demand.

The increase in coverage brought by the proposed FSBTS will aid the local businesses and can unlock the much needed growth potential which will have a positive economic impact. Residents, businesses and commuters will have a more secure connection to emergency services and armed response which will have a huge social impact.

The FSBTS will be erected at a cost of approximately R1.5mil. These high costs are a very good reason to rather co-locate on existing freestanding base stations or to settle for a rooftop base station in lieu of building a new freestanding base station.

The proposed base station will not interfere with the current use of the property and there are no negative impacts on the surrounding land uses and environment. No trees need to be removed to build the base station and no buildings with heritage value will be affected.

The proposed use will have no impact on the external engineering services, transport or traffic related considerations, or on the biophysical environment. It is proposed to erect a tree mast to make it less visually intrusive and blend it into the surrounding landscape. It is our

submission that the proposed use will have no detrimental impact on the surrounding properties and will provide an essential service to the surrounding community.

5.2.2. Area of existing coverage

The following maps illustrate the existing coverage map for the area of La Motte.

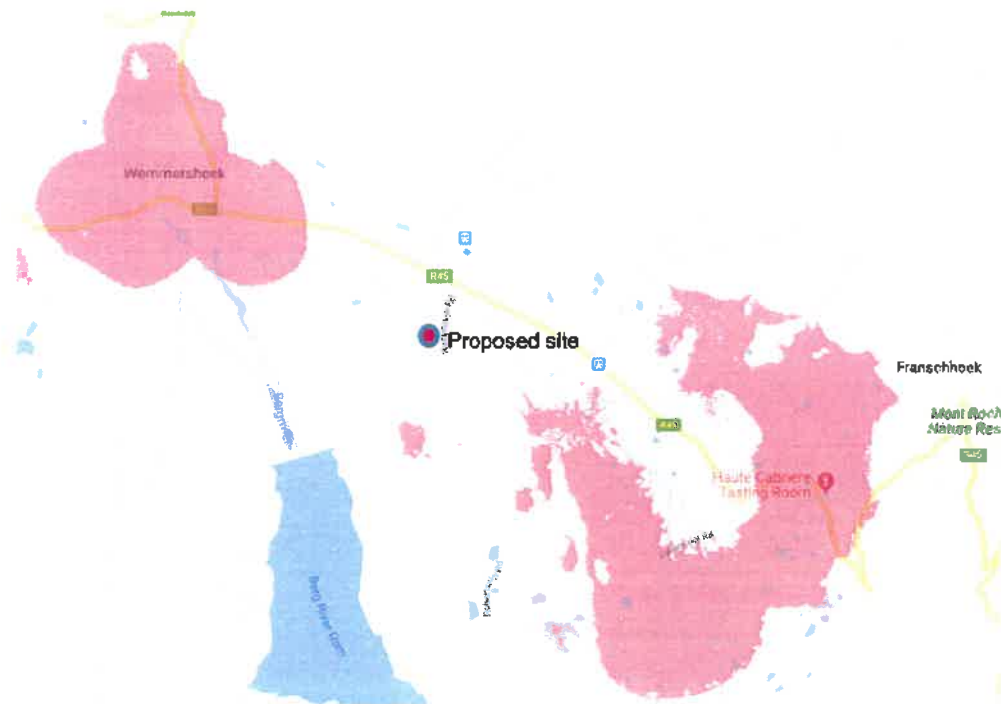
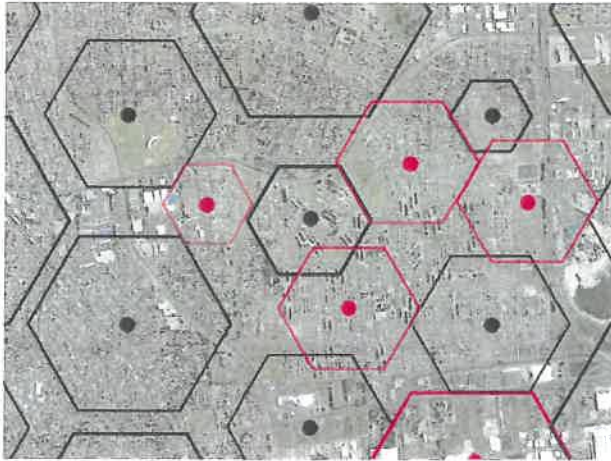


Figure 2 - MTN Fixed LTE Coverage map



Gaps between cells require new/additional telecommunication base stations to be placed in these gaps to retain good network coverage

Figure 7 - Additional telecommunication base stations required to fill the gaps

Locations for telecommunication infrastructure are primarily chosen within areas where a need exists for coverage (refer to Figure 6). If a need for coverage does not exist in a specific area, no company would invest capital to build a telecommunication base station in the said area. The fact that there are only a few telecommunication base stations in the surrounding area supports the statement that there is a clear need for coverage in the area. Please see the illustration below which indicate the position of existing surrounding base stations in the area.

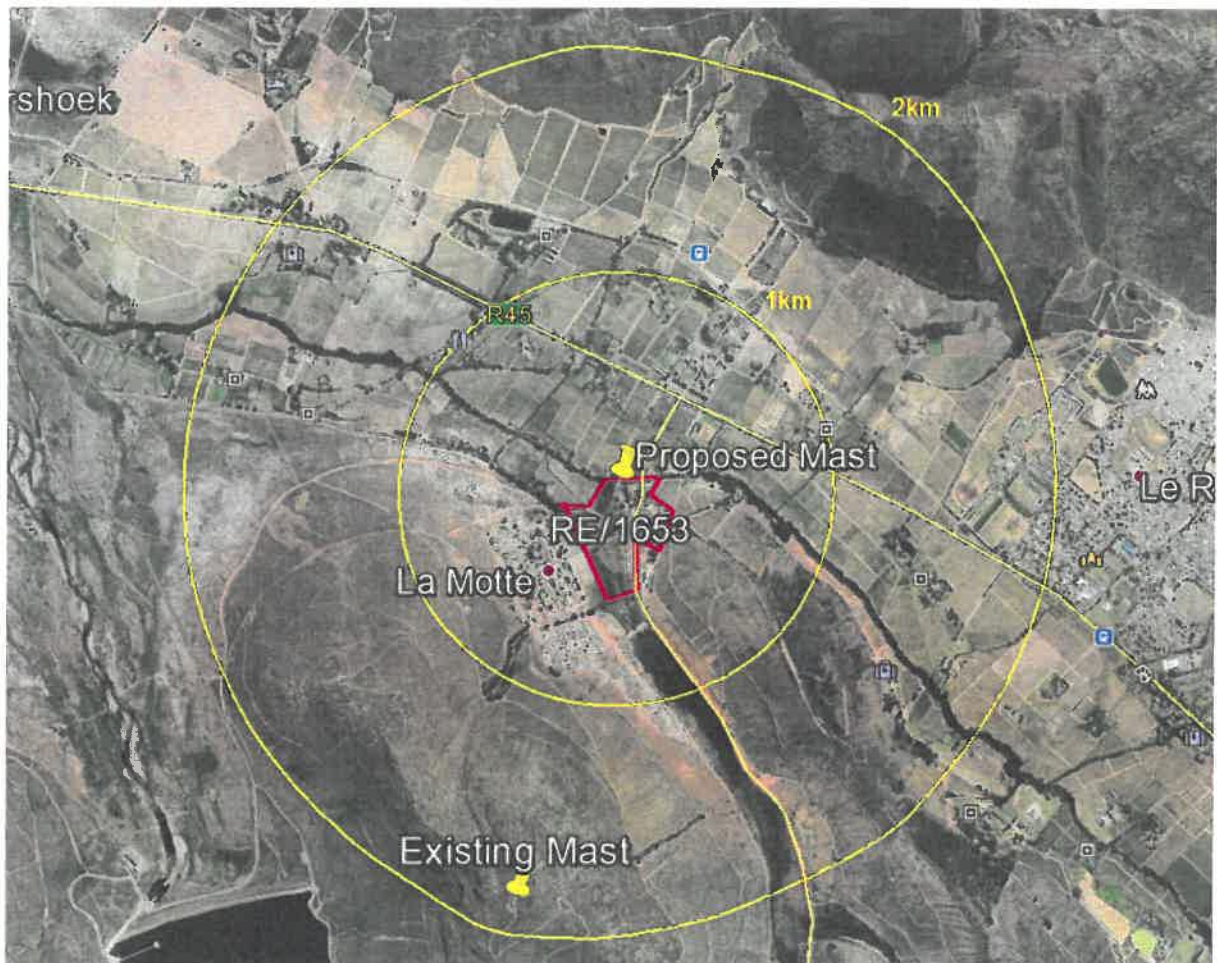


Figure 8 - Surrounding Base stations

The need for coverage is however not the only determining factor when identifying a possible position for a telecommunication base station. Other determining factors include altitude, zoning and the visual impact of the proposed base station.

5.2.3. Alternative sites considered and Site characteristics

Special consideration is given to geographical aspects so that each base station is positioned to ensure optimum functionality. This reduces the number of base stations necessary to provide an optimal network. At the same time, special attention is also given to ensure that there is minimal impact on the local, social, physical, natural and visual environments. Atlas Tower thus proposes the construction of a 15m mast on the Remainder of Farm 1653, Paarl Rd.

Alternative sites were considered during the initial stages of the proposal but this option is deemed the most acceptable option in terms of visual impact and based on the requirements of the network providers, contractors and land owner.



Alternative site considered:

- Option 1 -** Only one option was considered in the nearby surrounding area that would also achieve the same level of coverage as the current position. The zoning of this property was also preferable, being Utility Zone, therefore allowing for a freestanding telecommunication base station as a primary use. The property has however been allocated to the Provincial Government for the purpose of constructing a school on the property.

This site was selected for several reasons, namely:

- It is situated optimally between planned and existing sites,
- There is a large demand by Trumali House office park, visitors and commuters on the Strand road (R44).
- It is accessible to contractors during construction and maintenance,
- The proposal and location of the base station is the best solution to the coverage problem of the area with the least negative impacts,
- The proposal is secure due to its locality, and
- Most importantly it will serve the complaint area (the area with the lowest levels of cellular reception due to locality and high volumes of users) optimally.

It is important to note that the nature of such development is dependent on a “willing landlord” scenario. The theoretically best position is determined by the radio engineers and the closest properties that adhere to the above guidelines are targeted. Often several properties are targeted before a willing landlord is discovered that terms can be agreed with.

5.2.4. Visual Impact

The mast has been proposed at a minimal height of 15m in order to reduce the visual impact of the mast. The mast is furthermore proposed as a monopole type structure in order to make the structure look less bulky. A tree mast can also work at this location, but would be more visible from the main road (R45).

The mast, equipment and fence can furthermore be painted suitable colours in order to further reduce the visual impact, should it be required. Our client is furthermore open to exploring alternative mast designs, such as a lattice or tree mast.

In Figure 9 it can be seen that the proposed 15m monopole mast will not have a significant visual impact on the R45.



Figure 9 - Superimposition of proposed 15m Monopole Mast

5.2.5. Health concerns

There has been increasing public concern about health risks associated with cellular communication. Current scientific research is yet to produce conclusive evidence suggesting adverse health effects associated with, working with or living close to cellular technology. Although antennae and base stations emit radio waves, their frequency is not considered high enough to pose a health risk. Antennae mounted on towers, masts or any other structures are usually substantially elevated above ground level, and as radio waves are emitted at this level thereby further reducing the amount of radiation at ground level. Furthermore, regular tests regarding the compliance to safety regulations add to reducing the health risk factor. South Africa's Department of Health has published EMF exposure limit guidelines. These are based on guidelines endorsed by the ICNIRP (International Commission on Non-Ionising Radiation Protection), an independent scientific organization established in 1992. Emissions from the base stations and antennae comply with these guidelines.

In a statement made by the Department of Health dated 14 October 2011 on the Health Effects of base stations states the following (see attached Annexures):



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“The Department is therefore satisfied that the health of the general public is not being compromised by their exposure to the microwave emissions of cellular base stations. This also means that local and other authorities, in considering the environmental impact of any particular base station, do not need to and should not attempt, from a public health point of view, to set any restrictions with respect to parameters such as height of the mast, distance to the mast, and duration of exposure.”

There are no conclusive studies linking electromagnetic emissions at these levels to any health effects and scientific research that may reveal such a link is ongoing. The steps taken by the cellular communication companies to ensure the safety of the public against any possible harmful emissions, along with the above facts, concerns about health issues can be allayed.

5 CONCLUSION

This consent use application for a proposed FSTBS on the Remainder of Farm 1653, Paarl Rd, will provide an essential and sort after service to the surrounding community, businesses and commuters. This application is in line with the current policy and legislation on a local level. Furthermore, this application is in compliance with the Stellenbosch Fourth Generation Five-Year Integrated Development Plan (2017/2022), and the Stellenbosch Municipal Spatial Development Framework (SMSDF), 2017.

We would like to emphasise the positive contribution this base station will have on the Immediate as well as the surrounding community and passing commuters:

- Most households and businesses in the surrounding area depend on the services of the cellular telecommunications providers, including internet and social networking media (Facebook, Twitter etc.). With such a high demand for their products, it follows that service providers are responsible for supplying a high level of network coverage.
- Please note: The residents in the area are not the only ones being provided with these services. Visitors to the area, and daily commuters will benefit by having access to improved communication facilities.
- Mobile communication has become an important safety and security element in modern society. In an emergency, such as housebreaking, medical alert or fire, a member of a household can quickly and easily contact the emergency services for help. However, if the coverage of mobile service providers' is poor, then contacting emergency services becomes a difficult task.



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Finally, we would like to emphasize that communications companies deliver an important service to the wider public, and in terms of their license with ICASA they have to meet certain standards in order to retain their licenses. One of these standards is to supply adequate network coverage to their demanding customers. The proposal also allows for all other service providers to share this installation and refrain from constructing another base station in this area.

Please notify us should any additional information be required. We look forward to your positive consideration of this application.



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ANNEXURE E

**(REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND CONSENT USE ON FARM No.
1453, PAARL DIVISION)**

OBJECTIONS RECEIVED

Comments on an application for Consent Use for a Telecom Base Station off the Robertsvlei Road and Motivation

1. The Applicant

- 1.1 The applicant is named as Atlas Tower. It appears to be part of a company specialising in telecom infrastructure based in Colorado, USA with South African offices in Paarl, Pretoria and Durban and also in Nairobi, Gabarone and Edinburgh.
- 1.2 For reasons given below it is believed that this may be a speculative proposal that is not driven by any of the telecom providers in South Africa.

2. Historical Background

- 2.1 In this section (4th para, page 11) it is stated that "Atlas Tower has identified La Motte as an area where poor network coverage, dropped calls are experienced." This is a bare assertion unsupported by any evidence or analysis.
- 2.2 In the next sentence it is claimed that "This can have a negative effect on the surrounding areas and even the Western Cape". This is a rather extravagant claim that is again unsupported by any evidence or analysis.

3. Fourth Generation Five-Year Integrated Development Plan (2017/2022) (IDP)

Paragraph 4.8.1. refers to section 6.15 of this IDP. This deals with the municipality's ICT systems and has nothing whatsoever to do with this application or La Motte. It is not at all clear why this reference is made.

4. Need and Desirability

- 4.1 In the penultimate sentence of the first para of section 5.2.1. it is stated that "This application is motivated by several customer complaints (from residents, businesses and commuters) received by service providers in and around La Motte." This is yet another bare assertion unsupported by evidence. If this motivation is to be relied on the applicant must produce a record of these complaints and evidence of them from the service providers.
- 4.2 The fact that the applicant purportedly relies on "several customer complaints (from residents, businesses and commuters) received by service providers in and around La Motte" indicates that this is a speculative proposal. If there were a sufficient number of such complaints made to the service providers to justify this proposed FSBTS, it may reasonably be thought that a service provider or two or more service providers acting together may have made this application. The absence of any letter from a service provider supporting this application may be seen as significant.
- 4.3 Unfortunately, there are very few businesses in La Motte. In the Zoning Map for La Motte, forming part of the Municipal Integrated Zoning Scheme By-law of 2019, there

- are only three properties that are zoned Local Business. It is not apparent to what extent mobile communication is important for any of them.
- 4.4 If any commuters were experiencing problems while en route to or from La Motte, they would quickly be out of the 500m maximum coverage range of the new LTE base station so it would be of absolutely no benefit to them.
- 4.5 The assertions in the next paragraph of section 5.2.1 are again unsupported by any evidence. It does not even attempt to explain how "the proposed FSBTS will aid the local businesses and unlock the much needed growth potential [of La Motte] . . ."
- 4.6 In the Stellenbosch Municipal Spatial Development Framework of 2019, La Motte is described as "a place of living for workers mostly engaged in agricultural work on surrounding farms [without] a significant commercial component supported by passing trade." As indicated both in this and in the 2017 MSDF the primary focus of development at La Motte is "to support the development of affordable housing on portions of state-owned land adjacent and proximate to the village."
- 4.7 Both in the 2017 and 2019 iterations of the MSDF, part of the subject property (Farm 1653) along with others is to be the focus for "new mixed use development . . . around the intersection of the Robertsylei Road and the R45". However, there is no indication thus far that any such development is likely in the foreseeable future.
- 4.8 Having regard to the foregoing paragraphs, the alleged basis for the motivation for this application lacks all credibility and must, therefore, be disregarded.

5. National Heritage Resources Act of 1999 (NHRA)

- 5.1 In terms of section 38 of the NHRA:-

". . . any person who intends to undertake a development categorised as any development or other activity) which will change the character of a site . . . exceeding 5000m² in extent . . . must at the very earliest stages of initiating such a development, notify the responsible heritage resources authority and furnish it with details regarding the location, nature and extent of the proposed development."

- 5.2 In terms of section 1 of the NHRA:-

" 'development' means any physical intervention . . . or action . . . which may, in the opinion of a heritage authority in any way result in a change to the nature, appearance or physical nature of a place . . . including . . . change of use of a place or structure of a place. "

- 5.3 Farm 1653 is 17.3991 ha. As it is more than 5000m² and the proposed FBTS will change the character" and "result in a change to the nature, appearance or physical nature of [and a] change of use" of Farm 1653, it constitutes development as defined in section 1 of the NHRA, notice must be given to Heritage Western Cape and no

decision should be made by the Council until after a decision has been made by HWC so consideration of the application by the Council is informed by their decision.

6. The Stellenbosch Integrated Zoning Scheme By-law of 2019 - IZS

6.1 The proposed location of the FBTS is just over 500m from the R45 which is designated as a Scenic Route Overlay Zone in the IZS.

6.2 The principal purpose of an SROZ as set out in s254 (1) of the IZS is to "protect, conserve and enhance the visual environment and scenic resources adjacent to important tourist and transport routes which provide the unique sense of place for residents and visitors."

6.3 In terms of s260(3) of the IZS, "Where an application is made for new or additional development rights or departures from this Scheme, the Municipality shall only grant its approval if it is satisfied that the proposal will not have a negative visual impact."

6.4 In such a sensitive location it is really insufficient for the applicant to simply claim (as it does in paragraph 5.2.4 of the Motivation) that the "mast will not have a significant visual impact on the R45". The Council must take a risk averse position and cannot be properly and responsibly "satisfied that the proposal will not have a negative visual impact" without a **Visual Impact Assessment**.

7. The Conservation Management Plan for the Tangible Heritage Resources in the Stellenbosch Municipality – CMP

7.1 In addition to Scenic Route Overlay Zones, the CMP identifies other Scenic Routes classified as Grade II Heritage Resources. They are shown on the CMP plan below.



7.2 It can be seen that the sections of both the R45 opposite the proposed location of the mast and the Roberstsvlei Road that appears to be within 200m of it are CMP Scenic Routes and, therefore, classified as a Grade II Heritage Resource.

7.3 The significance and purpose of the CMP Scenic Route designation is described in paragraph 6.3 below of the Appendix to the CMP.

6.3 Scenic Routes

Scenic routes are movement corridors that traverse areas of outstanding scenic quality. Scenic Route Corridors are the channels through which we perceive the cultural landscape. The Scenic Drive Envelope includes the carriageway, the road reserve, the land directly adjacent to it. The scenes in which the views terminate is called the Viewshed of the Scenic Route. Scenic routes celebrate our communal heritage and belong to all members of the public, and therefore need to be protected as such.

7.4 Below is an extract from the CMP of guidelines for development in a range of distances from a Scenic Route.

The general guidelines for scenic routes are based on their distance away from the scenic drive. Distance zones are based on three categories; The closer a viewer is to a landscape feature, the greater the visible detail and the greater the value of the zone. The zones used are:

- foreground (fg) from 0 to 500 metres.
- middleground (mg) from 500 metres to 3 kilometres.
- background (bg) from 3 to 10 kilometres.

6.3.1 Foreground

The foreground views within the scenic route corridor is considered the most significant and therefore all scenic routes should have a 500m buffer on either side of the road where specific development guidelines apply. The principle is that nothing will be permitted that detracts from the existing scenic value of the Landscape Unit that is being traversed by the Scenic Route. Based on the significance of the Scenic Route (grade) and the significant character of the surrounding landscape, the following guidelines should be considered.

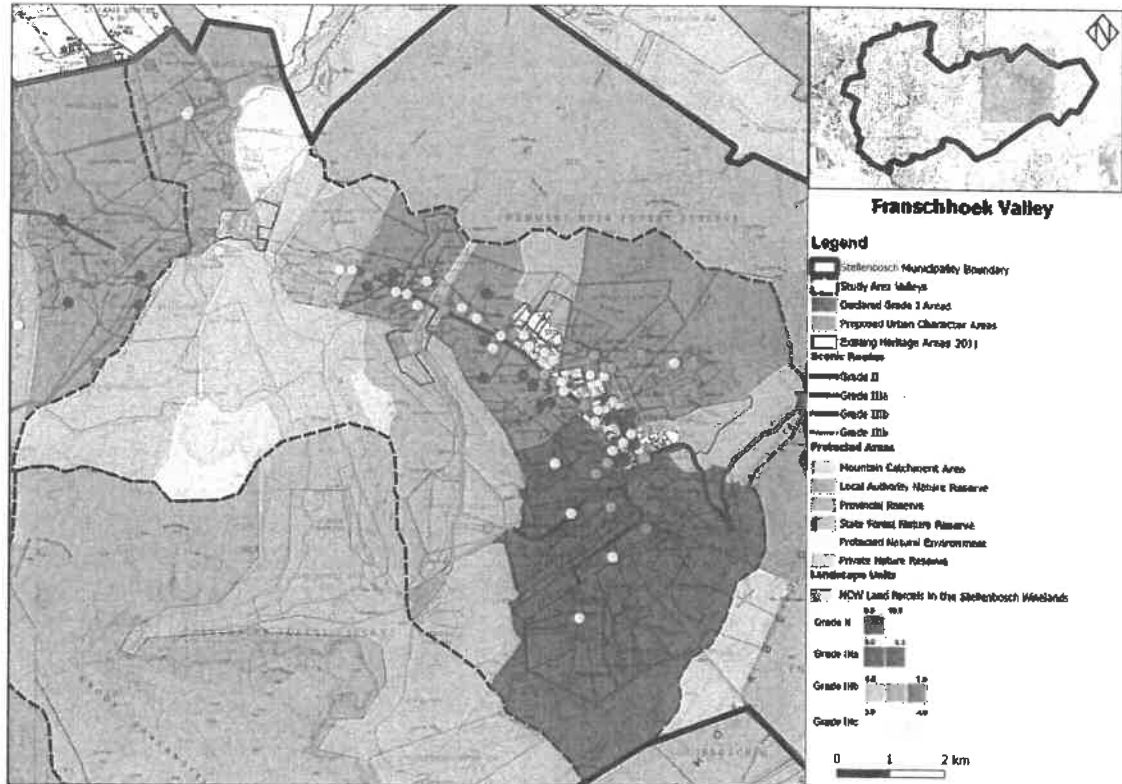
7.5 The proposed location of the mast is well within the foreground buffer zone for this part of Roberstsvlei Road and in the middle ground but just outside the foreground buffer zone for the R45 but well within the middle ground buffer zone.

7.6 The CMP Foreground guidelines that are relevant to this proposal include:-

Foreground guidelines:

- Respect the landscape setting and gateway qualities of important scenic routes and mountain passes, particularly those with a wilderness or rural setting.
- Formally protect scenic routes of heritage significance through the provisions of the municipal zoning schemes (e.g. Scenic Overlay Zones and City of Cape Town's proclaimed scenic routes, such as Boyes Drive).
- Use by-laws to establish 500m visual buffer zones with setbacks and height restrictions along scenic routes.
- Avoid the obstruction of mountain views along proclaimed scenic routes and avoid visual intrusions, such as inappropriate signage (billboards) and infrastructure, including transmission lines. Also, prevent the obstruction of views towards important cultural features.

7.7 In the map below taken from the Heritage Survey it can be seen that Farm 1 653 is in a Landscape Unit that is a Grade IIIa Heritage Resource, the Roberstville Road is a Grade IIIb Scenic Route and the nearby section of the R45 is a Grade II Scenic Route.



7.8 It is imperative, therefore, that there is a **Visual Impact Assessment** before this application is considered.

8. Stellenbosch Telecommunication Mast Infrastructure Policy

Conspicuous by its absence is any reference to this policy and compliance with it.

Barry Phillips – 26.12.2019

End of Comments



Franschhoek Heritage and Ratepayers Association

To whom it may concern

17 January 2020

CONSENT USE AND REMOVAL OF RESTRICTIONS : REMAINDER OF FARM 1653, PAARL RD (ROBERTSVLEI ROAD, LA MOTTE)

This letter contains the Franschhoek Heritage and Ratepayers Association's (FHRPA) comment on the proposed application.

We have reviewed the application for consent use and removal of title deed conditions to allow for a proposed freestanding telecommunication station and are opposed to such consent.

As numerous similar applications have been received recently for the Franschhoek area, we have added comment from our legal consultant which best sets out our concerns. This is reflected in the attachment from Mr Barry Phillips.

Our general opinion is that too many unsightly telecommunication towers are being considered without due consideration being given to the adverse effect on the Heritage value of the area. There is also it would appear, no consideration given to consolidating service provider sites, resulting in similar unsightly towers now being erected in close proximity to each other.

Yours faithfully

Colin Atkins

For and on behalf of



Franschhoek Heritage and Ratepayers Association



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ANNEXURE F

**(REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND CONSENT USE ON FARM No.
1653, PAARL DIVISION)**

UNCLAIMED LETTERS

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Me. E. Jephias

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PE 946 154 325 ZA

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LA MOTTE
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LA MOTTE
 2019-12-17
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- Domestic Enquiries
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La Croix Du Sud Holdings Ltd

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RECIPIENT NAME (please print clearly)

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ORDINARY PARCEL

- Full Domestic tracking and tracing
- Domestic Enquiries
- ShareCall 0860 431 602 www.sapo.co.za
- PE 946 163 693 ZA

REG. LOCAL LETTER MEDIUM
 11/12/2019 01:49:48 PM
 PE946163693ZR (Century City)
 Amt: R36.40 Less: R0.00
 Tendered: R36.40
 710-63514-1-1541510-8/5 48002571

RTS
Unclaimed

Ms. K. van Wyk

D  SA 6
 PE 946 163 693 ZA

RECIPIENT NAME (please print clearly)

<input type="checkbox"/>	NO SUCH NUMBER	<input type="checkbox"/>	NE AWAY
<input type="checkbox"/>	ADDRESS INSUFFICIENT	<input type="checkbox"/>	ADDRESS RECEIVABLE
<input type="checkbox"/>	REFUSED	<input type="checkbox"/>	BOX CLOSED
<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	UNCLAIMED

LA MOITTE
 2019-12-17
 RPA
367296

ORDINARY PARCEL

• Full Domestic tracking and tracing
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ShareCall 0860 771 802 www.sapo.co.za
PE 946 163 645 ZA

REG. LOCAL LETTER MEDIUM
11/12/2019 01:49:37 PM
PE946163645ZA (Century City)
Amt: R36.40 Less: R0.00
Tendered: R36.40
710-63514-1-1541518-8/2 40002571

RTS
Unclaimed

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PE 946 163 645 ZA

RECIPIENT NAME (please print clearly)

F. Afrikaner

[Redacted]

<input type="checkbox"/>	NO MORE AWAY
<input type="checkbox"/>	ADDRESS ILLEGIBLE
<input type="checkbox"/>	BOX CLOSED
<input type="checkbox"/>	UNCLAIMED
<input type="checkbox"/>	REFUSED

LA MOTTE
2019-12-17
RPA
867208

ORDINARY PARCEL

• Full Domestic tracking and tracing
• Domestic Enquiries
ShareCall 0860 771 802 www.sapo.co.za
PE 946 163 676 ZA

REG. LOCAL LETTER MEDIUM
11/12/2019 01:49:33 PM
PE946163676ZA (Century City)
Amt: R36.40 Less: R0.00
Tendered: R36.40
710-63514-1-1541518-8/1 40002571

RTS
Unclaimed

D



PE 946 163 676 ZA

RECIPIENT NAME (please print clearly)

Mej. M. Bezuidenhout

[Redacted]

<input type="checkbox"/>	NO MORE AWAY
<input type="checkbox"/>	ADDRESS ILLEGIBLE
<input type="checkbox"/>	BOX CLOSED
<input type="checkbox"/>	UNCLAIMED
<input type="checkbox"/>	REFUSED

LA MOTTE
2019-12-17
RPA
867209



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ANNEXURE G

**(REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND CONSENT USE ON FARM No.
1653, PAARL DIVISION)**

PORTFOLIO OF EVIDENCE

SWORN AFFIDAVIT

I, the undersigned [Full Name (s) and Surname]: Dirko Loots
.....
Identity Number: [REDACTED]
.....
in my capacity as (owner or authorised person through power of attorney):
Authorised person
.....
do hereby declare under oath that:

1. The application for:
Consent use and removal of title deed conditions in order to permit a freestanding
telecommunication base station.
.....
on Erf/ Farm Number: Remainder of Farm 1653, Paarl Rd
.....

Was advertised in at least two of the official languages of the Province in the following newspaper(s):

(a) Paarl Post (b)

From 12 December 20 19 to 12 February 20

- 2. The public notices were prominently displayed and maintained in a legible condition for a continuous period of thirty (30) days from the date of the advertisement as indicated in Section (2) above¹;
- 3. A notice containing the requirements as set out in the Stellenbosch Land Use Planning By-Law (2015), was posted per registered mail² to all adjoining property owners/occupants/ interested and affected parties, during the same date of the advertising period as specified in Section (2) above;
- 4. Furthermore, a notice of the application was sent to the relevant Intergovernmental State Departments, per registered mail³, commencing the same date as in Section (2) above with an additional 30 days (minimum 60 days) for comment;
- 5. That all comments and objections to the application concerned were forwarded to Stellenbosch Municipality as contemplated in sections 1 – 4 above.

The Deponent acknowledges that he / she knows and understands the contents of this Affidavit.

Signature: [Signature]
Signed at: CAPE TOWN
On this: 20 day of January 2019
At: 13:00

Commissioner of Oath's Stamp & Signature

COENRAAD JOHANNES DU TOIT
COMMISSIONER OF OATHS
ADMITTED ATTORNEY R.S.A.
PIER PLACE - HEERENGRACHT
FORESHORE, CPE TOWN 8000

¹ Must conform to Section 47 of the Stellenbosch Municipality Land Use Planning By-law (2015) [THE BY-LAW] – attach copy of advert (s)
² Site Displays must conform to Section 46 (2)(a) of the By-law – attach photos
³ Attach original registration post slips and copies of letters that were distributed containing the required information as per Section 47 of the By-law
⁴ Attach original registration post slips and copies of letters that were distributed containing the required information as per Section 47 of the By-law

Vier Kersfees saam met Mynhardt

Lise Beyers

Die glansjef Mynhardt Joubert is geen vreemdeling in die Paarl nie.



Sjef Mynhardt Joubert se baie spesiale Kersfees.

kan deel."

Mynhardt se kosherinneringe rondom die Kersfeestafel is ook vol van mense wat uit die hart gekook het, lank geneem het met die familie se spesifieke soetmosterdous, lamsboudie op spesifieke maniere gaargemaak, gestolde wortelslaaie, vrugtekoek en natuurlik "die lekkerste, lekkerste, lekkerste koekstruif".

"Kersdag se kosse is koud bedien – groot waatlemoene, pynappel en gemmerbier en 'n groot kuier" onthou hy.

"Kersfees sal altyd spesiaal bly vir my. Ek is so lief daarvoor dat myne

Mynhardt het hier kom nes skrop nadat hy as die eerste wenner van die gewilde kykNET-kookkompetisie-reeks *Kokkedoor* was.

Hier het hy sy huiskombuis-restaurant in 'n pragtige gerestoureerde ou winkel huis in Stasiesstraat, Suider-Paarl, reg oorkant die Paarl-stasie, geopen.

Dit was ook nie lenk nie en hy is as ambassadeur van die KWV-handelsmerk aangestel. Hy is verantwoordelik vir die spyseniering van nie net KWV se spogonthale by hul Katedraal-kelder nie maar ook private saamtrekke daar.

En nou met Kersfees wou Mynhardt behoorlik agter die kospotte vir sy "wintertyd van die jaar. "Want," sê "Kersfees gaan immers om lekker eet en samesyn".

Mynhardt het in die Oos-Vrystaat op 'n plaas grootgeword en Kersfees is elke jaar behoorlik gevier saam met familie en kuiermense, en dus het 'n groot gekook vir Kersdag en Ouersaand daarmee gepaard gegaan.

"Daar was gedeelde vreugde, Kersbome, gesing agter op slaepwaens en lang, Oos-Vrystaatse sterrenagte," onthou hy.

"Ons deure was altyd oop en daar was altyd plek vir nog iemand aan die tafel.

"Dit is juis oor hierdie gevoel van gasvryheid dat ek besluit het om 'n reeks feestafels by Stasiesstraat Kombuis van 18 tot 22 Desember te hou en dan ook op 24 en 25 Desember by Katedraal Kelder om hierdie feestyd met almal te

reeds in September begin as ons begin Kerskoeke bak.

"Ons kies elke jaar 'n welsynsorganisasie waarvoor ons geld insamel en ek geniet dit om met hierdie projek aan die Drakenstein-gemeenskap terug te gee."

Mynhardt se Kombuis het hierdie jaar R35 000 rand ingesamel vir MCM Mlqat asook nog R20 000 wat aan 'n diensentrum geskenk is. "Die Impak is groot en ons waardeer almal wat Kerskoeke koop."

Kerskoeke is nog beskikbaar en mense kan bestel by cake@mynhardt.co.za of Frikkie by 078 800 5155 bel.

Feestafels kan bespreek word by bookings@mynhardt.co.za of ook by Frikkie by 078 800 5155.

Twee gelukkige Paarl Post-lesers kan elk een van Mynhardt se asemrowende Kerskoeke wen asook 'n bottel Laborte Brut.

Om in aanmerking te kom om te wen, besoek Paarl Post se Facebook-blad. Die kompetisie sluit op Maandag 16 Desember om 14:00.

Gevulde varknek met appelkose, dadels, salie en amandels, bedien met mini-karamel-toffie-appels

Mynhardt deel graag een van sy gunsteling Kersfees-veisgeregte met lesers. Een varkveis bly steeds bekostigbaar vanjaar.



Trakteer die Kersfees familie en vriende met Mynhardt se gevulde omringende varknek.

- Bedien: 4 - 6
 - Vorbereidingstyd: 20 minute
 - Gaarmaaktyd: 2-3 uur
 - Bestanddele:
 - 1 ontbeende en gevulderde varknek, ongeveer 2 kg
 - 1 groot varkveisfilet, in blokkies gesny
 - 1 eierwit; effens geklop
 - 15 ml botter
 - 5,15 ml olyfolie
 - 1 groot ui, gekap
 - 3 knoffelhuisies, gekap
 - 50 g Turkse appelkose, in blokkies gesny
 - 50 g dadels, gekap
 - 50 g amandels, geroster en gekap
 - 'n Handvol salieblare, gekap
 - Sout en peper na smaak
 - Kombuistou om die vleis mee vas te maak
 - 'n Bottel witwyn
 - 750 ml hoenderafreksel
 - Handvol roosmaryn en tiemie
 - 3 uie, in ringe gesny met die dop aan
 - 2 knoffelkoppe, in die helfte gesny
 - 1 blik baba-appeltjies, gedreineer
 - 1 koppie strooisuiker
 - 3 ml suurlemoen sap
 - 50 ml water
- Metode:
Verhit die botter en olyfolie in 'n kastrol en braai die uie en knoffel tot

gaar en effens bruin. Laat afkoel.

Plaas die varkveis, eierwit en niemensal in 'n vleisvelverwerker en meng tot glad. Voeg die appelkose, dadels, amandels en salie by die vleismengsel, geur na smaak en meng deur.

Sif die varknek op 'n snyplank, vet kant onder, en maak droog met die kombuispapier. Smeer die varkveis-vulsel aan die vleiskant van die varknek. Maak seker dat al die vulsel gebruik word, aangesien dit as kleefmiddel vir die varknek dien.

Rol die nek om sodat jy een lang vleisblok het. Sny ongeveer agt 10 x 20 cm-stukke kombuisingar en begin die tou om die nek vasmaak om die vulsel binne te hou.

Plaas die roosmaryn, tiemie, uie en knoffel in 'n oondkastrol en voeg die wyn en afreksel by. Plaas die opgerolde varknek in die skottel, geur na smaak en bedek met foelie.

Bak vir 2-3 uur by 160 °C of totdat dit sag is en deurgaar is.

Plaas die suiker, suurlemoen sap en water in 'n kastrol en bring tot kookpunt. Kook totdat die suiker in 'n karamelkleur verander het en doop die baba-appels in die karamel. Plaas op 'n silikoonmat of waspapier om af te koel.

Sodra die varknek klaar is, laat dit 15 minute rus en sny in dik skywe; sit voor saam met die baba-toffie-appels en 'n bietjie van die vleisous.

NOTICE OF LAND DEVELOPMENT APPLICATION IN THE STELLENBOSCH MUNICIPAL AREA/ KENNISGEWING VAN GRONDONTWIKKELINGSAAANSOEK IN DIE STELLENBOSCH MUNISIPALE GEBIED

CONSENT USE AND REMOVAL OF RESTRICTIONS: REMAINDER OF FARM 1653, PAARL RD (ROBERTSVLEI ROAD, LA MOTTE) / VERGUNNINGSGEBRUIK EN VERWYDERING VAN BEPERKINGS: RESTANT VAN PLAAS 1653, PAARL RD (ROBERTSVLEI PAD, LA MOTTE)

applicant/Aansoeker: met/Eienaar: Warren Peterson Planning/021 552 5255 Stellenbosch Municipality/021 506 8111 LU/9520 Farm 1653, Paarl Remainder of Farm 1653, Paarl Rd Robertsvlei Road, La Motte

Detailed description of proposal/Beskrywing van aansoek: The matter for consideration is an application (in terms of section 15(2)(f) and (g) of the Stellenbosch Municipal Land Use Planning By-Law) for a consent use and the removal of the following title deed conditions Title Deed T45558/2017, condition 1, A(1)(a) to allow for a proposed freestanding base telecommunication station/Die aansoek vir owerweging is 'n aansoek (ingevolge artikel 15(2)(f) en (g) van die Stellenbosch Munisipale Wet: Verordening op Grondgebruikbeplanning) vir 'n vergunningsgebruik en vir die opheling van die volgende titelsaak voorwaarde: Titelsaak T 45558/2017 kondisie 1, A(1)(a) om die voorgestelde vrystaande basis telekommunikasie stasie te laat.

Notice is hereby given in terms of the Stellenbosch Municipal Land Use Planning By-law that the above mentioned application has been received and is available for inspection during weekdays between 09:30 and 13:30 at the Planning Advice Centre at Stellenbosch Municipality, Plain Street, Stellenbosch. Any written comments/objections, with full reasons, therefore, may be addressed in terms of section 50 of the said legislation to the applicant in one of the following manners: Kennis geskied hiermee ingevolge die Stellenbosch Munisipale Wet: Verordening op Grondgebruikbeplanning dat die bogenoemde aansoek ontvang is en gedurende woensdae tussen 09:30 en 13:30 by die Beplanningadvieskantoor by Stellenbosch Munisipale, Plainstraat, Stellenbosch ter insae lê. Enige geskrewe kommentare/objeasies, met volledige redes daarvoor, moet ingevolge Artikel 50 van die genoemde wetgewing aan die aansoeker op een van die volgende wyse gedraeser word:

APPLICANT / AANSOEKER
Registered mail or normal mail / Gereëlde pos of gewone pos.
Warren Peterson Planning/ Postbus 152, Century City, 7446
Or faxed to / Of gefaks aan
n/a
Or hand delivered to / Of per hand afgelewer aan
Warren Peterson Planning/ Unit H, 3rd floor, The Matrix Building, Bridge Way, Century City, 7441
Or e-mailed to / Of per e-pos gelewer aan
Warren Peterson Planning/ dloots@wpplanning.co.za

All comments, quoting the application number, reference number, your name, address or contact details, your interest in the application and reasons for comments should be received by the above party on or before 80 days from the date of publication of this notice. (The statutory 30 day commenting period has been extended to 80 days to take Council's recess period between 15 December 2019 and 15 January 2020 into account). Telephonic enquiries can be made to the applicant, Dirkio Loots (Warren Peterson Planning) at 021 552 5255. Any comment/objection received after aforementioned closing date will be considered invalid. Any person who cannot write will be assisted by a Municipal official by transcribing their comments.

Alle kommentare moet op of voor 80 dae vanaf die datum van publikasie van hierdie kennisgewing, (die statutêre 30 dae kommentaarperiode) lê by die boverwysde party op of voor 80 dae vanaf die datum van publikasie van hierdie kennisgewing. (Die statutêre 30 dae kommentaarperiode is uitgesluit tot 80 dae om die Raad se rusperiodes tussen 15 Desember 2019 en 15 Januarie 2020 in ag te neem). Telefoniese navrae kan aan die aansoeker, Dirkio Loots (Warren Peterson Planning) by tel 021 552 5255 gelê word. Enige kommentare/objeasies ontvang na die voormelde sluitingsdatum sal as ongehoord geag word. Enige persoon wat nie kan skryf nie sal deur 'n Munisipale amptenaar bygestaan word om hul kommentaar op skrif te stel.

TAMSTEL Paint and Hardware

We accept VISA credit

Monday to Thursday 09h30 - 13h00 14h30 - 17h00
Fridays 09h30 - 12h00 14h30 - 17h00
Saturday 09h30 - 13h00
Sunday 09h00 - 13h00

201 Klein Drakenstein Road, Paarl East Tel: 021-862 4477 / 067 304 6901

FREE 5L FREE 5L
SUTHERLAND INTERIOR 5L FREE

FROM R395.00 /20L+ 5L

LED Ceiling Lights

R95.00 /5L
SAFARI Colour PVA Paint
Painted Plaster, Linoleum, Ice, Balc, New green, Special Finish

R25.00 /SET
5 Piece Paint Brush Set

R120.00 /5L

R369.00 /20L

R495.00 /20L

R230.00 /5L

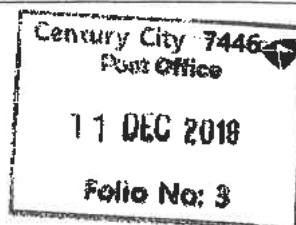
R459.00 /20L

WALL CRAFT Wall and Ceiling
Medal Gloss Paint
CEDAR White PVA Paint
WALL CRAFT Primer & Sealer Paint

Ts & Cs APPLY. PRICES VALID FROM 1st DECEMBER TILL 31st DECEMBER 2019, WHILE STOCKS LAST.

IS ALCOHOL COSTING YOU MORE THAN MONEY?
Alcoholics Anonymous
086 143 5722

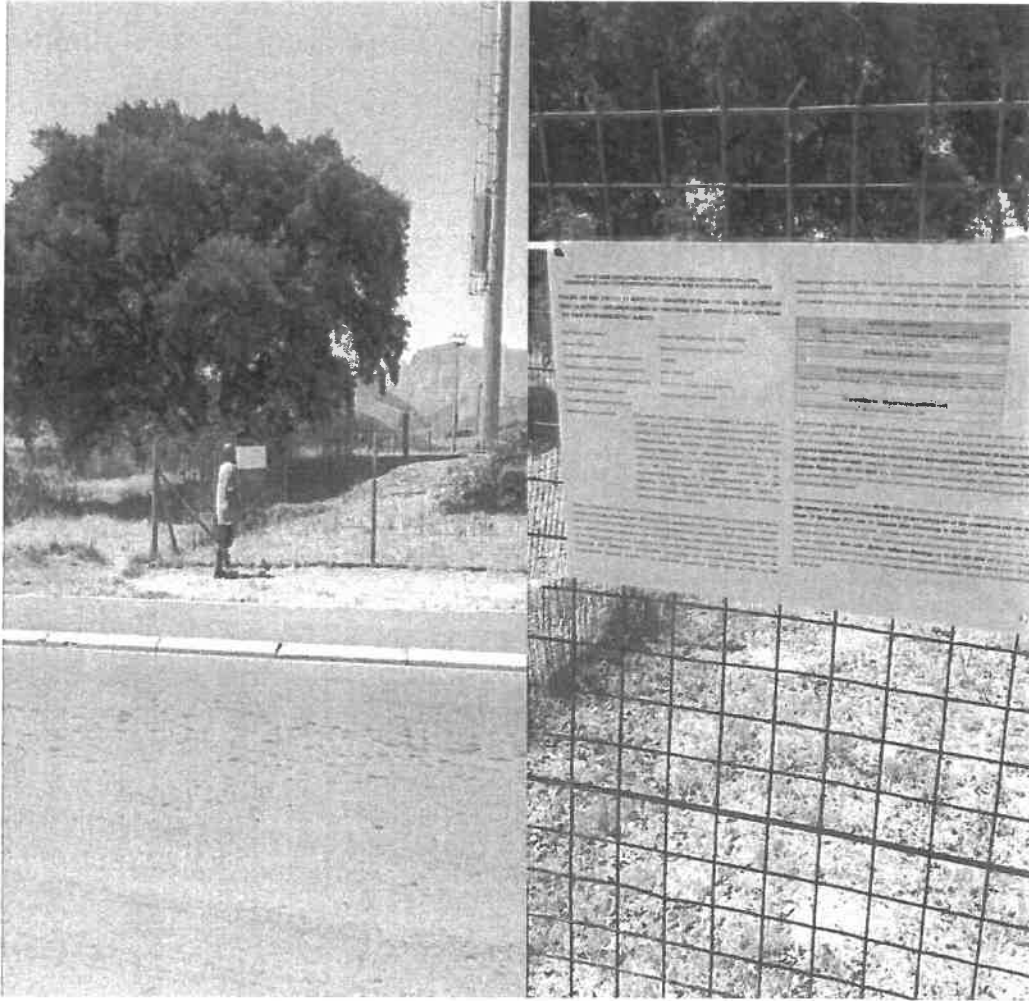
Mej. M. Bezuidenhout [REDACTED]	ORDINARY PARCEL ShareCall 0800 111 602 www.sapo.co.za PE 946 163 676 ZA CUSTOMER COPY 301016
Me. G. Breda [REDACTED]	ORDINARY PARCEL ShareCall 0800 111 602 www.sapo.co.za PE 946 163 702 ZA CUSTOMER COPY 301016
Me. D. Bezuidenhout [REDACTED]	ORDINARY PARCEL ShareCall 0800 111 602 www.sapo.co.za PE 946 154 250 ZA CUSTOMER COPY 301016
Me. DM Stall [REDACTED]	ORDINARY PARCEL ShareCall 0800 111 602 www.sapo.co.za PE 946 154 277 ZA CUSTOMER COPY 301016
National Department of Public Works [REDACTED]	ORDINARY PARCEL ShareCall 0800 111 602 www.sapo.co.za PE 946 154 303 ZA CUSTOMER COPY 301016
Stand 337 & 338 Edenvale CC [REDACTED]	ORDINARY PARCEL ShareCall 0800 111 602 www.sapo.co.za PE 946 154 294 ZA CUSTOMER COPY 301016
Mev. EJ Jephthas [REDACTED]	ORDINARY PARCEL ShareCall 0800 111 602 www.sapo.co.za PE 946 154 325 ZA CUSTOMER COPY 301016
F. Afrikaner [REDACTED]	ORDINARY PARCEL ShareCall 0800 111 602 www.sapo.co.za PE 946 169 645 ZA CUSTOMER COPY 301016
Investchem Chemical Logistics (Pty) Ltd [REDACTED]	ORDINARY PARCEL ShareCall 0800 111 602 www.sapo.co.za PE 946 163 631 ZA CUSTOMER COPY 301016
Me. K. van Wyk [REDACTED]	ORDINARY PARCEL ShareCall 0800 111 602 www.sapo.co.za PE 946 163 693 ZA CUSTOMER COPY 301016
La Croix Du Sud Holdings Ltd [REDACTED]	ORDINARY PARCEL ShareCall 0800 111 602 www.sapo.co.za PE 946 163 605 ZA CUSTOMER COPY 301016
Franschhoek Heritage and Ratepayers Association [REDACTED]	ORDINARY PARCEL ShareCall 0800 111 602 www.sapo.co.za PE 946 163 591 ZA CUSTOMER COPY 301016



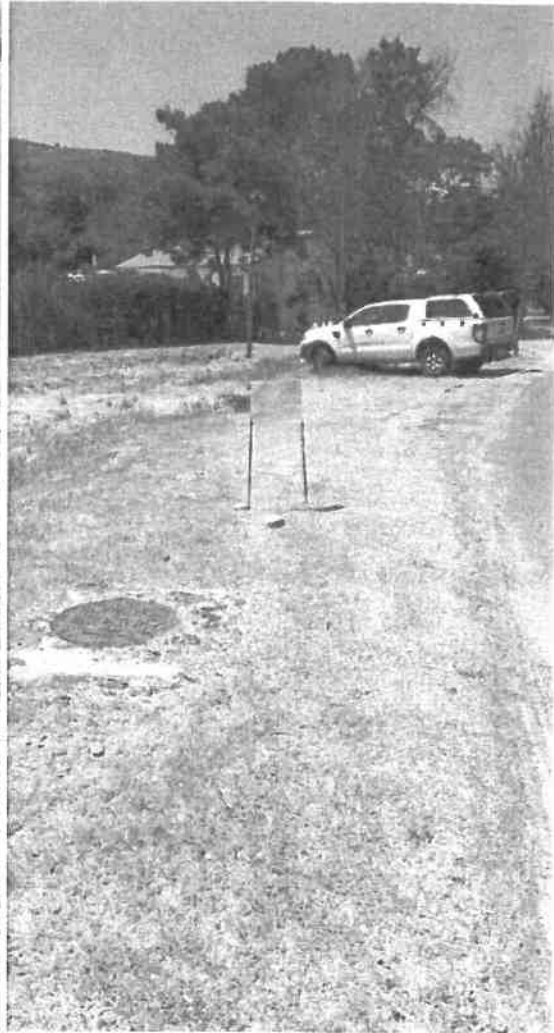
<p>Department of Agriculture State Seal EISENBURG 007</p>	<p>ORDINARY PARCEL ShareCall 0810 777 503 www.sppo.co.za DE 946 163 662 ZA CUSTOMER COPY 221016</p>
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Century City 7446
Post Office
11 DEC 2019
Post No: 3

Site notice 1:



Site notice 2:





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ANNEXURE H

**(REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND CONSENT USE ON FARM No.
1653, PAARL DIVISION)**

COMMENTS FROM DEADP



REFERENCE: 16/3/3/6/1/B4/45/1010/22

DATE: 8/2/2022

Warren Petterson Planning
 PO Box 15
CENTURY CITY
 7446

Attention: Mr Adriano Rodrigues

Cell: 082 819 1805
 Email: adriano@wpplanning.co.za

Dear Sir

APPLICABILITY OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED) TO THE PROPOSED TELECOMMUNICATION BASE STATION ON THE REMAINDER OF FARM NO. 1653, STELLENBOSCH ROAD, LA MOTTE

1. The electronic copy of the above-mentioned document dated 20 January 2022, as received by this Department on the same day, refers.
2. Following review of the information submitted to this Department, the following is noted:
 - 2.1. The proposal is for the construction of a 15m high telecommunication base station and associated infrastructure that will be surrounded by a 2.4m high palisade fence.
 - 2.2. The development footprint will be approximately 100m².
 - 2.3. No sensitive features occur on the site and the Franschhoek River is approximately 50 m from the designated development footprint.
 - 2.4. The site is located outside the urban area and is zoned Agriculture Zone I.
3. Your attention is therefore drawn to the listed activities in terms of the NEMA EIA Regulations 2014 (as amended) as defined in Listing Notices ("LN") 1, 2 & 3 of 7 April 2017. Be advised that based on the information provided the development of a 15m high telecommunication base station, located outside of the urban area of Lamotte, on a site zoned as Agriculture Zone I does not constitute any listed activities as defined in terms of the EIA Regulations, 2014 (as amended). Environmental authorisation is therefore not required from the competent authority prior to the proposed development of a 15m high telecommunication base station on the Remainder of Farm No. 1653, Stellenbosch Road, La Motte.
4. Should any revision of the proposed development on the said farm trigger any listed activity(ies) as defined terms of Listing Notice 1, 2 & 3, an application must be submitted and environmental authorisation obtained before such activity(ies) may commence.

5. The applicant is reminded of his/her general duty of care and the remediation of environmental damage, Section 28(1) of NEMA specifically states that – “Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment.”
6. Please note that the applicant must comply with any other statutory requirements that may be applicable to the undertaking of the activity.
7. The Department reserves the right to revise its comments and request further information from you based on any new or revised information received.

Yours faithfully

**Andrea
Thomas** Digitally signed by
Andrea Thomas
Date: 2022.02.08
11:49:57 +02'00'

pp HEAD OF COMPONENT

ENVIRONMENTAL IMPACT MANAGEMENT SERVICES: REGION 1

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

Cc: (1) W von Solms (Atlas Towers)
(2) B Zondo (Stellenbosch Municipality)

Email: wvonsolms@atlastowers.co.za
Email: Bongjiwe.Zondo@stellenbosch.gov.za



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ANNEXURE I

**(REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND CONSENT USE ON FARM No.
1653, PAARL DIVISION)**

COMMENTS FROM HWC

Our Ref: HM/ CAPE WINELANDS/ STELLENBOSCH/ FARM 1653
Case No.: 20091602TZ0916E
Enquiries: Thando Zingange
E-mail: Thando.Zingange@westerncape.gov.za
Tel: 021 483 5959
Cell: 076 481 8392 (during lockdown period)
Date: 07 October 2020



Stellenbosch Municipality
 C/O Adriano Rodrigues
 Unit H, 3RD Floor
 Matrix Building
 Century City

RESPONSE TO NOTIFICATION OF INTENT TO DEVELOP: FINAL COMMENT
In terms of Section 38(1) of the National Heritage Resources Act (Act 25 of 1999) and the Western Cape Provincial Gazette 6061, Notice 298 of 2003

NOTIFICATION OF INTENT TO DEVELOP: THE PROPOSED TELECOMMUNICATION MAST ON FARM 1653, ROBERTSVLEI ROAD, STELLENBOSCH: SUBMITTED IN TERMS OF SECTION 38(4) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999)

CASE NUMBER: 20091602TZ0916E

The matter above has reference.

Heritage Western Cape is in receipt of your application for the above matter. This matter was discussed at the Heritage Officers meeting held on 05 October 2020.

You are hereby notified that, since there is no reason to believe that the proposed telecommunication mast on Farm 1653, Robertsvlei Road, Stellenbosch, will impact on heritage resources, no further action under Section 38 of the National Heritage Resources Act (Act 25 of 1999) is required.

However, should any heritage resources, including evidence of graves and human burials, archaeological material and paleontological material be discovered during the execution of the activities above, all works must be stopped immediately and Heritage Western Cape must be notified without delay.

This letter does not exonerate the applicant from obtaining any necessary approval from any other applicable statutory authority.

HWC reserves the right to request additional information as required.

Should you have any further queries, please contact the official above and quote the case number.

pp. 

pp.

.....
Dr. Mxolisi Dlamuka
Chief Executive Officer, Heritage Western Cape

www.westerncape.gov.za/cas

Street Address: Fynbos Assurance Building, Green Market Square, Cape Town, 8000 • Postal Address: P.O. Box 1655, Cape Town, 8000
 • Tel: +27 (0)21 483 5959 • E-mail: ceheritage@westerncape.gov.za

Straatadres: Fynbos Assurancegebou, Groenmarkplein, Kaapstad, 8000 • Posadres: Postbus 1655, Kaapstad, 8000
 • Tel: +27 (0)21 483 5959 • E-pos: ceheritage@westerncape.gov.za

Idilesi yendawo: Fynbos Assurance Building, Green Market Square, eKapa, 8000 • Idilesi yeposi: imombolo yeposi ka 1655, eKapa, 8000 • Inombolo zomxeba: +27 (0)21 483 5959 • Idilesi ye-imeyile: ceheritage@westerncape.gov.za



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ANNEXURE J

**(REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND CONSENT USE ON FARM No.
1653, PAARL DIVISION)**

COMMENTS FROM SPATIAL PLANNING



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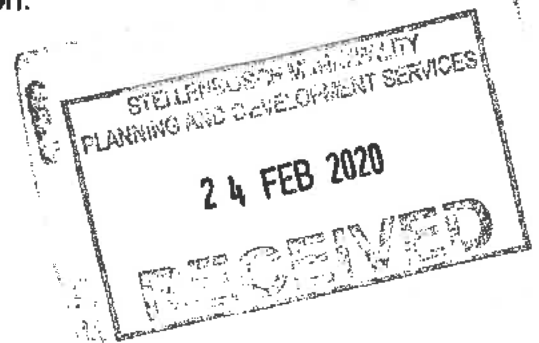
Spatial Planning

To : **Manager: Land Use Management**
From : **Manager: Spatial Planning**
Reference: **Farm 1653, Paarl**
LU No : **LU/9520**
Date : **20 February 2020**
Re : **Consent use and removal of restriction on Farm 1653, Paarl**
(Telecommunication Mast)

I refer to your request for comment on the above application.

This department supports the application.

PP. Benning
BJG de la Bat
MANAGER: SPATIAL PLANNING



FILE NR:	
SCAN NR:	F 1653P
COLLABORATOR NR:	680193



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ANNEXURE K

**(REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND CONSENT USE ON FARM No.
1653, PAARL DIVISION)**

COMMENTS FROM ENGINEERING SERVICES

INTERDEPARTMENTAL CIRCULATION FORM

LêER VERW/ FILE REF	Farm 1653, Paarl	Date: 25 November 2019						
AANSOEKNUMMER/APPLICATION NUMBER		LU/9520						
MEMO AAN/ TO :								
>	Director : Infrastructure Services (Traffic Engineer / Engineering Services)	27/11/2019 						
	Manager: Electrical Services							
	Manager : Building Development Management							
	Manager : Fire Services							
	Manager: Spatial Planning / Heritage / Environment / Signage							
	Manager: Health Department (Winelands Health)							
	Manager: Community Services (Parks): Albert Van Der Merwe							
	Manager: Property Management (P Smitt)							
	Manager: Local Economic Development							
Application	Application is made in terms of Section 15(2)(o) of the Stellenbosch Municipal Land Use Planning By-Law dated 20 October 2015 for a consent use in order to erect a 15m freestanding telecommunication base station on Farm 1653, Paarl Division. Application is made in terms of Section 15(2)(f) of the Stellenbosch Municipal Land Use Planning By-Law dated 20 October 2015 for the removal of restrictive title condition 1(a) located on title deed number T45558/2017, restricting the land to the used for low cost housing and related infrastructure in order to accommodate the proposed 15m freestanding telecommunications base station on Farm 1653, Paarl Division.							
Adres / Address	Robertsvei Road, Paarl							
Aansoek Datum / Application Date	20 May 2019							
Aansoeker / Applicant	Warren Petterson Planning							
Aangeheg vind u tersaaklike dokumentasie in verband met bogenoemde aansoek. Ten einde my in staat te stel om die aansoek aan die besluitnemingsowerheid vir oorweging voor te lê, word u versoek om my skriftelik van u kommentaar, indien enige, te voorsien. Onderskei asseblief tussen algemene kommentaar op die meriete van die aansoek en enige voorwaardes wat u departement wil opleë indien die aansoek goedgekeur word.								
Attached please find the relevant documentation regarding the abovementioned application. Kindly furnish me with your written comment, if any, in order to enable me to submit the application to the decision making authority for consideration. Please differentiate between general comment on the merits of the application and any conditions that your department wishes to impose should the application be approved.								
Geliewe die memorandum <u>per hand</u> aan my terug te besorg voor of op: 14 January 2020 Please <u>hand deliver</u> the memorandum to me on or before : 14 January 2020								
S Newman For DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT		<table border="1"> <tr> <td>FILE NR:</td> <td></td> </tr> <tr> <td>SCAN NR:</td> <td>F 1653 P</td> </tr> <tr> <td>COLLABORATOR NR:</td> <td>675555</td> </tr> </table>	FILE NR:		SCAN NR:	F 1653 P	COLLABORATOR NR:	675555
FILE NR:								
SCAN NR:	F 1653 P							
COLLABORATOR NR:	675555							
ALGEMENE KOMMENTAAR / GENERAL COMMENT: .. <i>NO objection</i>								
VOORWAARDES/CONDITIONS:								
 HANDTEKENING / SIGNATURE		07/01/20 DATUM / DATE						

INTERDEPARTMENTAL CIRCULATION FORM

LêER VERW/ FILE REF	Farm 1653, Paarl	Date: 25 November 2019
AANSOEKNUMMER/APPLICATION NUMBER	LU/9520	
MEMO AAN/ TO :		
	Director : Infrastructure Services (Traffic Engineer / Engineering Services)	<i>lu / Eleet 1932</i> <i>27/11/2019</i>
>	Manager: Electrical Services	
	Manager : Building Development Management	
	Manager : Fire Services	
	Manager: Spatial Planning / Heritage / Environment / Signage	
	Manager: Health Department (Winelands Health)	
	Manager: Community Services (Parks): Albert Van Der Merwe	
	Manager: Property Management (P Smit)	
	Manager: Local Economic Development	

Application	<p>Application is made in terms of Section 15(2)(o) of the Stellenbosch Municipal Land Use Planning By-Law dated 20 October 2015 for a consent use in order to erect a 15m freestanding telecommunication base station on Farm 1653, Paarl Division.</p> <p>Application is made in terms of Section 15(2)(f) of the Stellenbosch Municipal Land Use Planning By-Law dated 20 October 2015 for the removal of restrictive title condition 1(a) located on title deed number T45558/2017, restricting the land to the use for low cost housing and related infrastructure in order to accommodate the proposed 15m freestanding telecommunications base station on Farm 1653, Paarl Division.</p>
Adres / Address	Robertsvei Road, Paarl
Aansoek Datum / Application Date	20 May 2019
Aansoeker / Applicant	Warren Petterson Planning

STELLENBOSCH MUNICIPALITY
PLANNING AND DEVELOPMENT SERVICES

20 JAN 2020

RECEIVED

Aangeheg vind u tersaaklike dokumentasie in verband met bogenoemde aansoek. Ten einde my in staat te stel om die aansoek aan die besluitnemingsowerheid vir oorweging voor te lê, word u versoek om my skriftelik van u kommentaar, indien enige, te voorsien. Onderskei asseblief tussen algemene kommentaar op die meriete van die aansoek en enige voorwaardes wat u departement wil opleë indien die aansoek goedgekeur word.

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Geliewe die memorandum per hand aan my terug te besorg voor of op: **14 January 2020**
Please hand deliver the memorandum to me on or before : **14 January 2020**

S Newman
For DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT
ALGEMENE KOMMENTAAR / GENERAL COMMENT:

.....
None

FILE NR:

SCAN NR:

COLLABORATOR NR:

VOORWAARDES/CONDITIONS:

.....
Outside network Area - Eskom

HANDTEKENING / SIGNATURE

DATUM / DATE

14/01/2019



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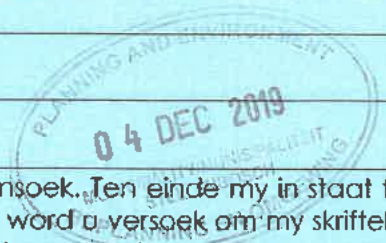
ANNEXURE L

**(REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND CONSENT USE ON FARM No.
1653, PAARL DIVISION)**

COMMENTS FROM FIRE SERVICES

INTERDEPARTMENTAL CIRCULATION FORM

LêER VERW/ FILE REF	Farm 1653, Paarl	Date: 25 November 2019
AANSOEKNUMMER/APPLICATION NUMBER	LU/9520	
MEMO AAN/ TO :		
	Director : Infrastructure Services (Traffic Engineer / Engineering Services)	
	Manager: Electrical Services	
	Manager : Building Development Management	
>	Manager : Fire Services	
	Manager: Spatial Planning / Heritage / Environment / Signage	
	Manager: Health Department (Winelands Health)	
	Manager: Community Services (Parks): Albert Van Der Merwe	
	Manager: Property Management (P Smit)	
	Manager: Local Economic Development	
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Adres / Address	Robertslei Road, Paarl	
Aansoek Datum Application Date	20 May 2019	
Aansoeker Applicant	Warren Petterson Planning	
<p>Aangeheg vind u tersaaklike dokumentasie in verband met bogenoemde aansoek. Ten einde my in staat te stel om die aansoek aan die besluitnemingsowerheid vir oorweging voor te lê, word u versoek om my skriftelik van u kommentaar, indien enige, te voorsien. Onderskei asseblief tussen algemene kommentaar op die meriete van die aansoek en enige voorwaardes wat u departement wil opleë indien die aansoek goedgekeur word.</p> <p>Attached please find the relevant documentation regarding the abovementioned application. Kindly furnish me with your written comment, if any, in order to enable me to submit the application to the decision making authority for consideration. Please differentiate between general comment on the merits of the application and any conditions that your department wishes to impose should the application be approved.</p> <p>Geliewe die memorandum <u>per hand</u> aan my terug te besorg voor of op: 14 January 2020 Please <u>hand deliver</u> the memorandum to me on or before : 14 January 2020</p>		
<p>S Newman For DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT</p>		
ALGEMENE KOMMENTAAR / GENERAL COMMENT:		
<p>.....</p> <p>.....</p> <p>.....</p>		
VOORWAARDES/CONDITIONS:		
<p>.....</p> <p>.....</p> <p>.....</p>		
<p>.....</p> <p>HANDTEKENING / SIGNATURE</p>		<p>.....</p> <p>27/11/2019</p> <p>DATUM / DATE</p>



FILE NR:	
SCAN NR:	F1653 P
COLLABORATOR NR:	671902



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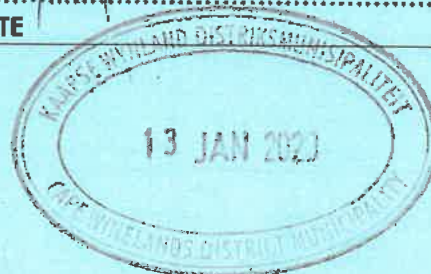
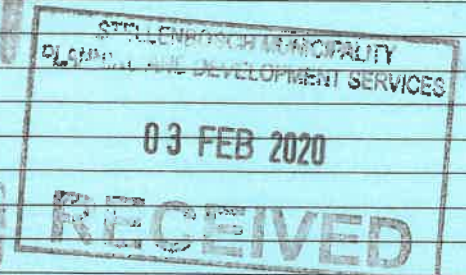
ANNEXURE M

**(REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND CONSENT USE ON FARM No.
1653, PAARL DIVISION)**

COMMENTS FROM CAPE WINELANDS HEALTH

INTERDEPARTMENTAL CIRCULATION FORM

LÊER VERW/ FILE REF	Farm 1653, Paarl	Date: 25 November 2019
AANSOEKNUMMER/APPLICATION NUMBER	LU/9520	
MEMO AAN/ TO :		
	Director : Infrastructure Services (Traffic Engineer / Engineering Services)	
	Manager: Electrical Services	
	Manager : Building Development Management	
	Manager : Fire Services	
	Manager: Spatial Planning / Heritage / Environment / Signage	
>	Manager: Health Department (WineLands Health)	
	Manager: Community Services (Parks): Albert Van Der Merwe	
	Manager: Property Management (P Smit)	
	Manager: Local Economic Development	
Application	Application is made in terms of Section 15(2)(o) of the Stellenbosch Municipal Land Use Planning By-Law dated 20 October 2015 for a consent use in order to erect a 15m freestanding telecommunication base station on Farm 1653, Paarl Division. Application is made in terms of Section 15(2)(f) of the Stellenbosch Municipal Land Use Planning By-Law dated 20 October 2015 for the removal of restrictive title condition 1(a) located on title deed number T45558/2017, restricting the land to the used for low cost housing and related infrastructure in order to accommodate the proposed 15m freestanding telecommunications base station on Farm 1653, Paarl Division.	
Adres / Address	Robertslei Road, Paarl	
Aansoek Datum / Application Date	20 May 2019	
Aansoeker / Applicant	Warren Petterson Planning	
<p>Aangeheg vind u tersaaklike dokumentasie in verband met bogenoemde aansoek. Ten einde my in staat te stel om die aansoek aan die besluitnemingsowerheid vir oorweging voor te lê, word u versoek om my skriftelik van u kommentaar, indien enige, te voorsien. Onderskei asseblief tussen algemene kommentaar op die meriete van die aansoek en enige voorwaardes wat u departement wil opleë indien die aansoek goedgekeur word.</p> <p>Attached please find the relevant documentation regarding the abovementioned application. Kindly furnish me with your written comment, if any, in order to enable me to submit the application to the decision making authority for consideration. Please differentiate between general comment on the merits of the application and any conditions that your department wishes to impose should the application be approved.</p> <p>Geliewe die memorandum <u>per hand</u> aan my terug te besorg op: 14 January 2020 Please <u>hand deliver</u> the memorandum to me on or before : 14 January 2020</p>		
<p>S Newman For DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT</p> <p>ALGEMENE KOMMENTAAR / GENERAL COMMENT:</p> <p><i>Vanuit 'n omgewingsgevoelenspunt is daar geen beswaar teen hierdie aansoek nie</i></p>		
<p>VOORWAARDES/CONDITIONS:</p> <p>.....</p> <p>.....</p> <p>.....</p>		
<p><i>[Signature]</i></p> <p>HANDTEKENING / SIGNATURE</p>		<p><i>13/1/2020</i></p> <p>DATUM / DATE</p>





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ANNEXURE N

**(REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND CONSENT USE ON FARM No.
1653, PAARL DIVISION)**

APPLICANT'S COMMENTS ON OBJECTIONS



Warren Petterson Planning
 P.O. Box 152
 Century City
 7446

T: (021) 552 5255
F: 086 537 9187
C: 083 255 8349
E: dloots@wpplanning.co.za

Department: Planning and Economic Development

Plein Street
 Stellenbosch
 7600

12 October 2020

APPLICATION FOR REMOVAL OF RESTRICTIONS AND CONSENT USE ON FARM 1653, PAARL

Dear Siyanda/Salome,

Two objections were received during the public participation process and the concerns have been addressed below.

Background:

Atlas Tower (Pty) Ltd is a company operating as an independent telecommunication infrastructure owner in South Africa. Atlas Tower's business model is to assess the location and placement of all existing telecommunication infrastructure, identify where additional infrastructure is required and supply the required infrastructure as the need arise to the various telecommunication service providers (MTN, Vodacom, Cell C and Telkom Mobile). We build and invest in vertical and rooftop-based telecommunication infrastructure. Atlas Tower's growing portfolio is currently at approx. 1100 towers and counting. Atlas Tower's portfolio has been built up over the past 6 years, where 90% of our assets are built by us and the balance is obtained through M&A's. The lease up ratio (number of tenants per cellular tower) currently sits at ± 2.2 with an average cellular tower age of 16 months.

We believe this lease up ration is a testament to Atlas Tower's ability to cater to all mobile network operators (MNOs) and internet service provider (ISP's) needs. The MNOs need the best networks, at record speeds to compete for subscribers. We understand this need and run a little faster building infrastructure quickly. The process which the application site has followed can be divided into 4 milestones:

Milestone 1: Identify a candidate site (zoning, available space, requirements of MNO's, RF requirements, elevation, competing structures, power source etc.)

Milestone 2: Put site into negotiation (negotiation with said land owners regarding commercial terms etc.)

Milestone 3: Secure site via signed lease agreement

Milestone 4: Commence with permitting



Warren Petterson Planning
P.O. Box 152
Century City
7446

T: (021) 552 5255
F: 086 537 9187
C: 083 255 8349
E: dloots@wpplanning.co.za

Only after milestone 3 can the location be placed on a marketing list to all our clients. To date Atlas Tower has not entered into an agreement with any client to utilize our proposed cellular tower. The reason for this is we cannot confirm the exact date the site will be RFO (ready for occupation). For the most part our clients do not enter into agreement with Atlas Tower without some sort of proof land use or building plan approval has been granted. For now, we are forecasting the site to our clients and once we have any sort of formalized approval the drawing up of contracts can commence.

Business Plan:

To date we have seen concrete interest from one of the major network operators and this is a testament that the site suits the network planning for the said operator. It should be noted as mentioned above that it is in Atlas Tower's interest to allow for colocation on this mast should all necessary approvals be granted. We are confident of having a lease up ration of 2 or more 12 months after construction is completed.

It takes on average between 12-24 months to fully permit a new site build in the Western Cape. Should an operator have network complaints, they need to wait at least 18 months before they can resolve the problem. Companies such as Atlas Tower are taking the risk by permitting sites based on network assessments, before the need arises, thus reducing the lead time for operators and assisting them to achieve their targets as prescribed by ICASA and ECA. Atlas Tower will not waste approximately R2million to build a site that does not have interest from one of their clients.

Stellenbosch Fourth Generation Integrated Development Plan 2017-2022:

The IDP focusses on sustainable economic growth, which requires the creation of constant employment opportunities. Considering that employment opportunities is very scarce, home-based employment opportunities plays an important role in strengthening the economy. In order to ensure efficient and successful home-based careers, excellent cellular coverage, as well as fast and reliable internet connectivity is required, which promotes the improvement of the cellular coverage network to residential areas especially.

In 6.15 of the IDP Social Media and The Internet of Things (IoT) are recent trends in the ICT Industry, promoting improved communication between individuals and groups, as well as improving the network connectivity that allows devices, electronics etc. to collect and exchange data.

Need and desirability:

The current roll out of telecommunication infrastructure by cellular network providers is undertaken to upgrade and improve network coverage and quality to all customers. Telecommunication networks experience peak demand in the evenings between 19:00 and 23:00. This is due to the fact that during these times people are at their homes and use internet intensive devices. As a result, a large portion of the network upgrade is aimed at

residential areas. Business and other activity areas have been prioritised over the past 20 years, for commercial reasons and given the fact that legislation and policies steered proposals of this nature, towards non-residential areas.

It should be noted that technology is moving forward and that cell masts are required at much more frequent intervals in order to provide a quality service to all mobile users. Newer technologies such as LTE for example only provide a fixed coverage for a radius of approximately 500m – 800m and even less in densely developed areas. It should be noted that the closest existing cell mast is located approximately 1km to the closest point of La Motte and 1.7km to the furthest point. This should clearly indicate that this is too far away in order to provide quality service in terms of newer technologies such as LTE.

If anyone is in need of emergency services or help somewhere close to this area, they will at least have good reception or reliable internet should they require contact numbers for certain services, such as towing or roadside assistance. It is therefore always important to have cell masts in close proximity to main roads in order to enhance the levels of safety.

What is important to realize in a pandemic like Covid-19 is that home-based businesses or income opportunities is becoming more and more popular. Many companies have closed their offices as they realized that their employees worked just as hard from home, thereby saving them a fortune by not having to pay monthly rental for an office. When it comes to home-based business it is important to note that fast and reliable internet and cellular connectivity is of utmost importance. Accordingly, the need for a cell mast in close proximity to any settlements or towns is promoted as this will have a positive economic growth.

The location of the base station has taken the town of La Motte into consideration and is proposed approximately 300m east of La Motte. This will ensure that La Motte will receive good LTE coverage and that the R45 will also be covered at the same time. The location is therefore ideal and will serve the optimal purpose.

National Heritage Resources Act of 1999 (NHRA):

An application was submitted to Heritage Western Cape in order to determine if any heritage resources will be affected by the proposal. Please refer to the letter received from Heritage Western Cape dated 7 October 2020 stating that no heritage resources will be affected.

Stellenbosch Integrated Zoning Scheme By-law, 2019:

As stated in the objection, the proposed cell mast is just over 500m from the R45, which is a scenic route. Considering that the height of the mast is a mere 15m in relation to the 500m range (3% in height of the total range) and the fact that there are numerous trees in the nearby vicinity, will ensure that the mast will be hardly

visible from the R45. We can however go even further and revise the design to a camouflaged tree in order to blend in with the trees in the nearby vicinity, which will reduce the visual impact even more.

Visual Impact Assessments are only conducted in cases where this is requested by council as part of the application process.

Stellenbosch Telecommunications Mast Infrastructure Policy:

	Objective content:	Compliance to Objective
01:	To improve and maintain communication	This application is in line with this objective as it aims at providing the inhabitants of the said neighbourhood with effective and efficient voice and data coverage.
02:	To ensure that the TMI is placed in the best possible location	We believe that the location identified is the best possible location considering that this location is within range to provide coverage to La Motte as well as the R45, without being located adjacent to any residential properties. This location will enhance connectivity for home-based businesses as well as for commuters along the R45.
03:	To ensure the co-location or sharing of TMI wherever possible	The proposed base station will ensure the co-location of up to four service providers.
04:	To retain the visual integrity, special character and amenity of the Stellenbosch Municipality	The mast is proposed at a minimal height of 15m in order to reduce the impacts on the surrounding environment. In addition the mast and equipment can be painted green or a tree mast can be proposed in order to further reduce the visual impact of the mast.
05:	To design with the landscape and use modern mitigation measures to reduce impact	The mast is proposed in close proximity to the existing trees, which will assist in reducing the visual impact of the mast. A tree mast can be proposed as an alternative in order to blend in with the surrounding trees.

06	To retain and improve the environmental and heritage quality of the public arena	The proposal has no impact on the environmental and heritage quality of the public arena. An application was however submitted to HWC. Their response indicated that this proposal will have no impact on heritage resources.
07	To preserve areas of environmental or heritage significance	This application will have no effect on the natural or cultural (heritage) environment. An application was however submitted to HWC. Their response indicated that this proposal will have no impact on heritage resources.
08	TMI must be situated and operated in a manner so as not to interfere with any other utility functions	We have confirmed that no utilities services are nearby or whatever the case is and the equipment is ICASA approved.
09	Where possible TMI should be placed on other structures such as light posts, road signs etc.	There are no tall structures in the nearby surrounding area that can accommodate the proposed infrastructure. A cell mast is therefore the best option.
010	To protect the health, safety and wellbeing of the inhabitants of cape town	It should be noted that the lowest antennas are located at a height of 9m. There are no buildings in close proximity at a height of 9m and therefore no habitable buildings within 50m directly in front of the antennas. In addition the cell mast will provide people in the surrounding access to emergency services such as ambulances, police, fire department etc. which enhances the safety factor in the surrounding area.

Conclusion:

In conclusion, we would like to emphasise the positive contribution this base station will have on the surrounding community:

- In today's fast-moving society, mobile communication has become essential for the successful operation of numerous businesses and something that successful business men and woman cannot live without. Hence, the need for mobile communication network coverage in this area.
- A clear majority of the households depend on the services of the cellular telecommunications providers, including internet and social networking media (Facebook, Twitter etc.). With such a high demand for

their products, it follows that service providers are responsible for supplying a high level of network coverage.

- Mobile communication has become an important safety and security element in modern society. In an emergency, such as a housebreaking, medical alert or fire, a member of a household can quickly and easily contact the emergency services for help. However, if the coverage of mobile service providers' is poor, then contacting emergency services is a difficult task.
- The City's vision of having first world communication facilities available to all, (*Fast, cheap and reliable broadband and other connectivity infrastructure required to compete in a digital age*) and the Transit Orientated Development Strategy whereby areas around public transport nodes (such as Stations) should be attractive, efficient living environments, suggests that proposals that align with this vision should receive the required support.

Finally, I would like to emphasize that communications companies deliver an important service to the wider public, and in terms of their license with ICASA they must meet certain standards to retain their licenses. One of these standards is to supply adequate network coverage to their demanding customers.

Yours faithfully



Dirko Loots
C/9207/2020

Warren Petterson Planning

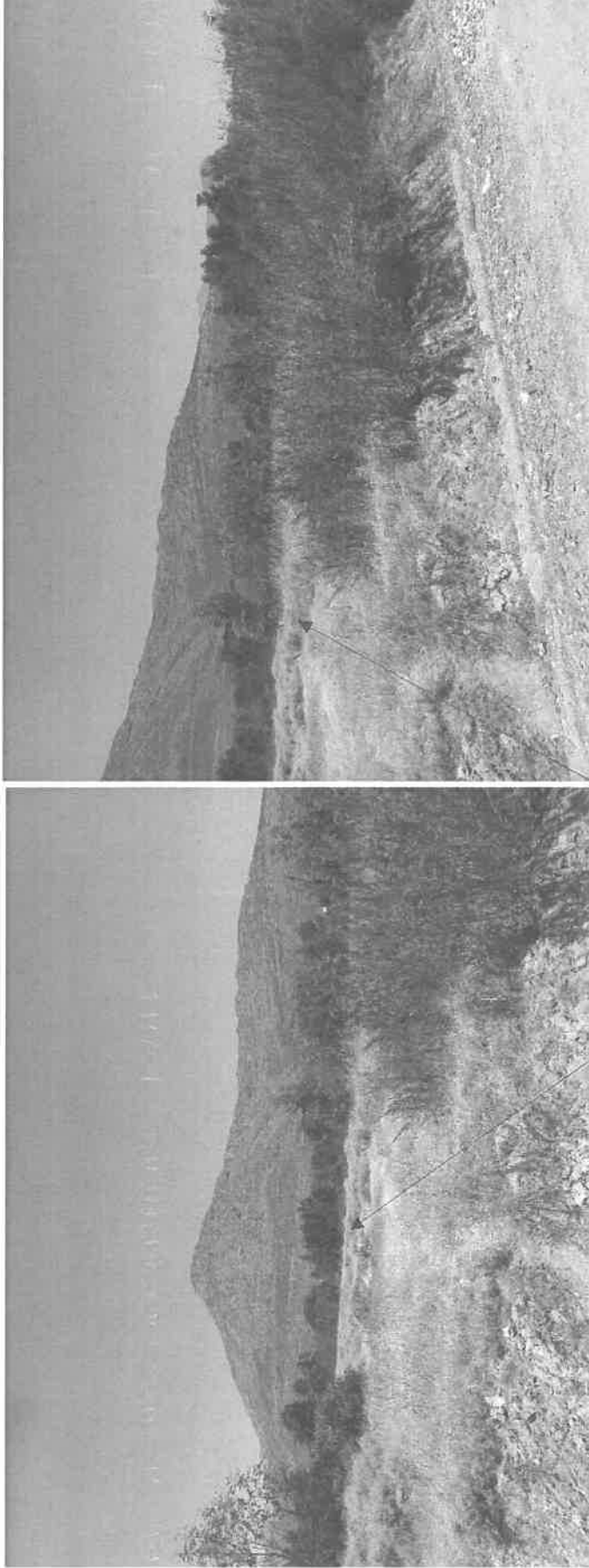


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ANNEXURE O

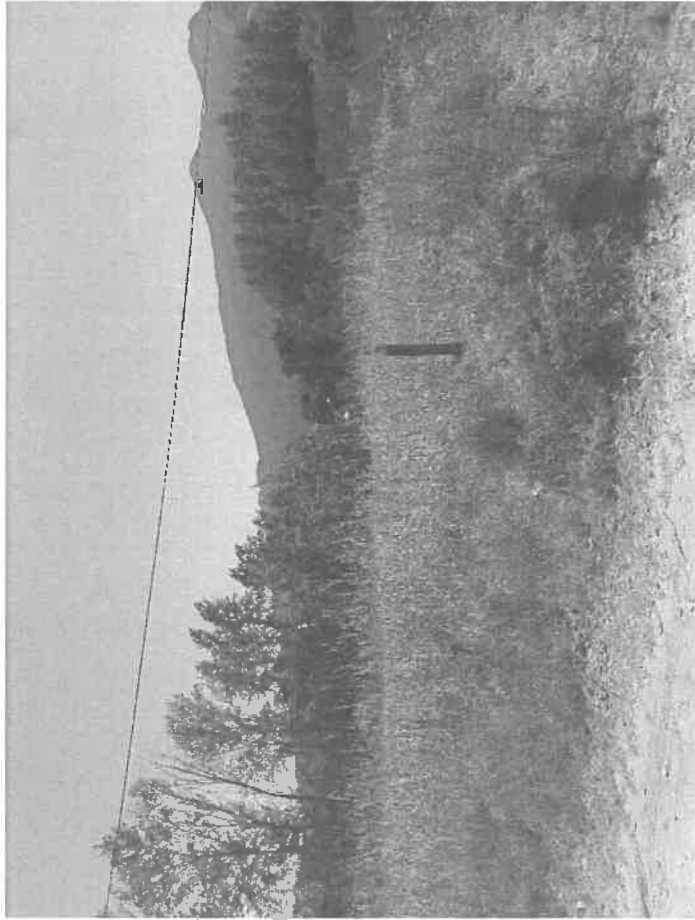
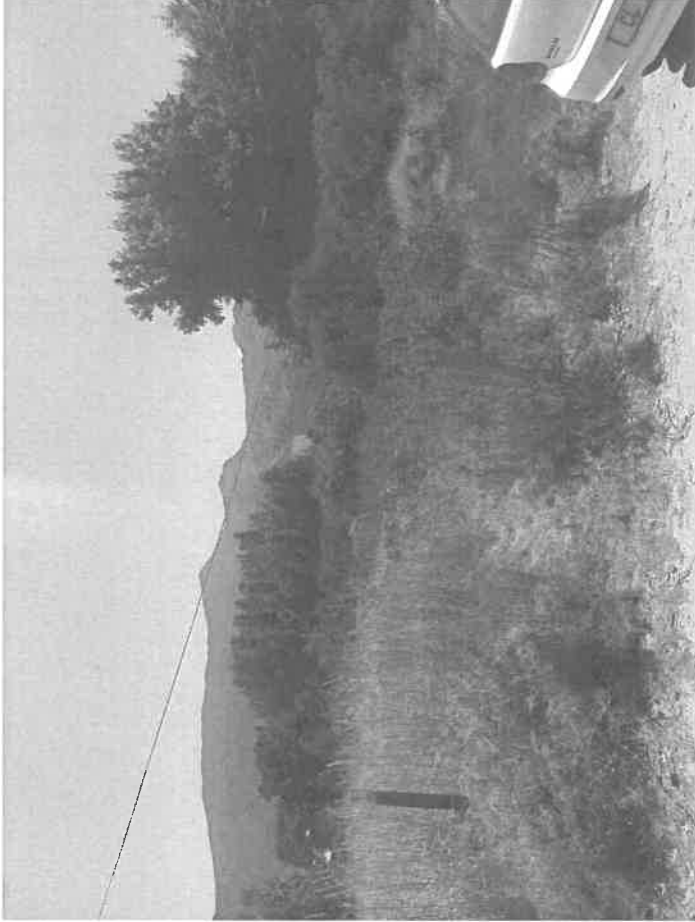
**(REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND CONSENT USE ON FARM No.
1653,**

SITE INSPECTION PHOTOS



The photos above were taken facing the subject property with the R45 behind

Position of the proposed mast



The photos above were taken facing the R45 direction



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THE STELLENBOSCH MUNICIPALITY			
PLANNING REPORT: LAND USE AND LAND DEVELOPMENT APPLICATION: APPLICATION FOR CLOSURE OF PUBLIC PLACE ON ERF 16489 STELLENBOSCH			
Application Reference	File Ref: LU/12577	Application Date	2021/04/19
		Last day for comments or additional information	2021/09/13

PART A: APPLICANT DETAILS

First name(s) & Surname	Damien Burger		
Company name	Friedlaender, Burger & Volkmann		
SACPLAN registration number	Not provided		
Registered owner(s)	Stellenbosch Municipality	Is the applicant properly authorised to submit the application	Yes

PART B: PROPERTY DETAILS

Property description	Erf 16489	Administrative District	Stellenbosch
Physical address	Doornbosch road (See Annexure A)		
Extent (m ² /ha)	1 7199 m ²	Nearest Town	
Existing Development and Current land use	Rhenish high school sports ground		
Any unauthorised land use/building work	NONE		
Title Deed Nr.	437446/1979 (See Annexure B)		
Current zoning and approved land use rights as per Zoning Scheme Bylaw 2019	Public roads and parking zone		

PART C: APPLICATION DETAILS

Applications(s)	<p>1. An application is made in terms of Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated October 2015, on Erf 16489, Stellenbosch for the following:</p> <p>1.1 Closure of a public place in terms of Section 15 (2) (n) of said By-law;</p> <p>1.2 Alteration of a public street in terms of Section 24(1)(e) of said by-law and;</p> <p>1.3 Consolidation of closed public place with abutting Erf 16491 in terms of Section 24(1)(d) of said by-law</p> <p>The portion of Erf 16489 to be closed, subdivided and consolidated is indicated as portion A, measuring 9191 m², on development plan attached as Annexure C.</p>
Purpose of Application	The applicant intends to close a portion of a public place (road) and consolidate the closed portion with the adjoining Erf.
Pre-consultation	Pre-application scrutiny was done.

PART D: APPLICATION BACKGROUND**1. Location of the property**

The subject property, Erf 16489 is located on Doornbosch Road, Stellenbosch and is owned by the municipality. The adjacent Erf 16491 is the Rhenish high school site.

2. Development context of surrounding area

The subject property is located between two properties used for educational purposes, within a residential area.

3. Historic use and development of subject property

A portion of Erf 16489 has been used as sports fields by the adjacent Rhenish High School since the school moved in 1958 and fall within the fenced property of the school. A Memorandum of Agreement has been entered between the Stellenbosch Municipality and the Western Cape Government on 01 December 2020 for the transfer of a portion of Erf 16489 for educational purposes (See **Annexure F**).

PART E: APPLICATION OVERVIEW AND MOTIVATION

Portion A of Erf 16489 has been used as sports fields by Rhenish High School for more than 40 years as if it were part of the school and has never been used as a road. The zoning scheme (map) also indicates the zoning to be Education zone further confirming that it has always been seen and treated as if it were part of the school, although Portion A has the status of a public street. The Municipality has approved the transfer of the land to the Western Cape Government provided that it be utilised for educational purposes.

There is no impact on the surrounding properties as the application is effectively an adjustment of boundaries between two properties, after consolidation, no additional land unit is created. Furthermore, the application is in line with the principles of the both the IDP & SDF. There is no new development or change in land use or zoning as a result of the road closure and consolidation as the application is to formalise the current use of the property.

PART F: PUBLIC PARTICIPATION, COMMENTS AND RESPONSE

1. Process followed

The applicant has notified the internal and external departments and notified (serving of notices) all interested and affected parties. The application was advertised in the Eikestad Nuus on 10 June 2021. The advertising period was from 10 June 2021 to 12 August 2021. (See **Annexure E**). **One (1) objection received.**

2. Government related inputs received

2.1 The **Department of Transport & Public Works: Roads** supported the proposal (see **Annexure L** for letter dated 21 June 2021).

3. Comments from internal service departments

3.1 The **Manager: Development, Infrastructure services** did not support the proposal (see **Annexure K** for memo dated 19 August 2021).

3.1.1 The municipality needs to retain a 3.5m on each side of the boundary line that runs between the two schools to make provision for a future vehicular/pedestrian link between Doornbosch and Koch Street, in order to improve traffic flows and relieve the congested traffic conditions in the area.

3.1.2 It is therefore requested that the subdivision diagram be amended to indicate the 3.5m future public road portion on portion A.

3.1.3 All electrical infrastructure will have to be repositioned, moved outside the erf boundary into the road reserve, the repositioning of the cable will be for the developers account and only Stellenbosch Municipality approved contractors must be used in the execution of the works.

3.2 The **Manager: Spatial Planning** supported the proposal (see **Annexure I** for memo dated 21 June 2021).

3.3 The **Manager: Property Management** supported the proposal (See **Annexure J** for email dated 09 June 2021).

4. Summary of responses from the applicant to comments/objections received (See Annexure H)

There is a Council Decision to alienate the land and a Memorandum of Agreement that has already been signed that identified the extent of the property that needs to be subdivided. It is therefore proposed that the requirement for a future link road be dealt with as a separate application once the position and full requirements have been established. This application is to action the requirements of the memorandum of Agreement and the agreed to portion of land to be alienated.

It is proposed that servitudes be created to cover the route of all identified cable routes that need to be preserved over Portion A instead of moving the cables.

Infrastructure Services responded to the applicant's reply and did not change their original comment. They are of the opinion that the subdivision proposal will compromise the ability to create a road link that will ease the traffic congestion in that area and does not support the proposal in its current format.

PART G: ASSESSMENT OF LAND USE AND LAND DEVELOPMENT APPLICATION

1. Legislative and Policy Context of land use and land development application

The legislative, principles, policies, guidelines and plans which are considered as relevant to the application under consideration and land use application, are as follows:

- o Stellenbosch Municipality Land Use Planning Bylaw, 2015
- o Stellenbosch Municipality Spatial Development Framework, 2019
- o SPLUMA and Chapter VI of the Land Use Planning Act, 2014 (Act 3 of 2014)

2. Assessment of grounds of the land use and land development application

2.1 Land use principles

The subject property is zoned as public roads and parking zone in terms of the Stellenbosch Municipality Zoning Scheme By-law, 2019, the applicant wishes to close a portion of Erf 16489 and consolidate with it Erf 16491 in order to facilitate the development of their sporting facilities.

The proposed development is not in conflict with the Stellenbosch Municipality Spatial Development Framework which was used as guideline in accessing the application. The subject property is located inside the approved urban edge of Stellenbosch node and development of future developments must be contained within the existing urban areas to promote compact towns in close proximity to existing services.

2.2 Service infrastructure capacity and sustainability

There are no municipal services connected to Portion A. A 3.5m on each side of the boundary line that runs between the two schools is required to make provision for a future vehicular/pedestrian link between Doornbosch and Koch Street in order to improve traffic flows and relieve the congested traffic conditions in the area.

Medium voltage electrical cables run across the property therefore the electrical infrastructure will have to be repositioned at the developers account.

2.3 General desirability

The subject property is located next to Rhenish High School, and it actually forms part of the Rhenish High School and is being utilised by the school as sports grounds. The proposal is in line with what already present on the surroundings and will therefore not have any negative impact on the existing character of the area.

2.4 Assessment of comments on application

The Municipality (Infrastructure services) would like to retain a 3.5m on each side of the boundary line that runs between the two schools to make provision for a future vehicular/pedestrian link between Doornbosch and Koch Street. It is therefore requested that the subdivision diagram be amended to indicate the 3.5m future road portion on Portion A (See map below).



The area consists of heavy traffic especially during the mornings and afternoon, therefore the requirements by the Infrastructure services must be met in order to improve the traffic flows and relieve the congested traffic conditions in the area.

It is to be noted that the land (Portion A) was identified, advertised for disposal and finally approved by Council before a Memorandum of Agreement was signed. The application under consideration is to give effect to this Agreement and it is proposed that the establishment of the road be handled as a separate process as only a small portion of the proposed link road, as indicated on the map above, run across the boundary of Portion A. The applicant mentioned that the school is *not adverse to a possible link road*.

The Electrical Department indicated that there are medium voltage electrical cables running across the property and will need to be addressed. It is proposed that a service agreement regarding the establishment of the road and the best manner in which to address the electrical cables, be entered into between the applicant / WCG and the Municipality.

All other internal and external departments' comments were taken into account and will be imposed as conditions of approval, if necessary.

PART H: SUMMARY OF KEY FINDINGS OF ASSESSMENT

After having independently considered and weighted all the relevant information the evaluation of the subject land use and land development application concludes that:

The proposal as submitted can be supported from a land use point of view for the following reasons:

- o The development application is to give effect to a Council decision to alienate and transfer the land to the Western Cape Government for education purposes.
- o The development will formalise the current use of the land by Rhenish High School as sport fields.
- o The proposed development is not in conflict with the applicable Stellenbosch By-laws and policies.
- o The development will have limited negative impact on the surrounding area or wider cultural landscape of Stellenbosch.
- o The area is characterized by heavy congested traffic conditions during school peak hours and the proposed link road is required to relieve the situation.

PART I: RECOMMENDATION

1. The application made in terms of Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated October 2015, on Erf 16489, Stellenbosch for the:

- 1.1 **Closure of a public place** in terms of Section 15 (2) (n) of the said By-law, 2015, in order to close a portion of Erf 16489 as indicated on the development plan, Drawing PROP SUB-REV1 dated 31 March 2021;

BE APPROVED in terms of Section 60 of the said bylaw, subject to conditions in terms of Section 66 of the said Bylaw.

2. **Conditions of Approval:**

- 2.1 The approval applies only to the application under consideration as indicated on Drawing: PROP SUB-REV1, Ref: ERF16489, dated 31 March 2021, drawn by Fbv professional land surveyors and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council or other legislation or Bylaws or Regulations that may be applicable;

- 2.2 The development be undertaken in accordance with the plan, Drawing PROP SUB-REV1 and dated 31 March 2021 attached as Annexure C.

- 2.3 The applicant to inform the Surveyor-General of the closure of the public place in order to amend the diagram accordingly.

- 2.4 The applicant to transfer the closed public place in the name of the Western Cape Government.

- 2.5 An agreement be entered into with the Municipality to address the conditions as imposed by the Directorate Infrastructure Services in their letter dated 19 August 2021 and attached as **Annexure K** regarding the retainment of a 3.5m strip along the boundary line that runs between the two schools to make provision for a future vehicular/pedestrian link between Doornbosch and Koch Street, prior to the transfer of the of subject property.

- 2.6 Such an agreement must also address the repositioning of the cables or registration of servitudes.

3. **The reasons for the above decision are as follows:**

- 3.1 The scale and nature of the proposal will not compromise the existing character of the surrounding landscape;

- 3.2 The proposal gives effect to a decision by Council to alienate and transfer the land to the Western Cape Government for education purposes.

3.3 The implementation of the proposal will reflect the actual use of the land in the current context.

4. **Matters to be noted:**

- 4.1 The approval granted shall not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the proposed use.
- 4.2 Building plans must be submitted and approved by the Municipality prior to the commencing of any building works, including the preparation of land, which will only be approved when all relevant (or qualified) conditions of approval have been complied with.
- 4.3 The alteration of a public street and consolidation of a closed public place with the abutting Erf 16491 in terms of Section 24(1)(e) and Section 24(1)(d) of the said Bylaw will be decided by the authorised employee.
- 4.4 Portion A once consolidated with Erf 16491 will assume the same zoning as the Erf 16491, i.e. Education Zone.

PART J: ANNEXURES

ANNEXURE A:	Locality Plan
ANNEXURE B:	Title Deed
ANNEXURE C:	Development Plan
ANNEXURE D:	Applicant's Motivation
ANNEXURE E:	Proof of Evidence (Public Participation, General Plan & Affidavit)
ANNEXURE F:	Memorandum of agreement of transfer & Council resolution
ANNEXURE G:	Objections
ANNEXURE H:	Applicants comments on objections
ANNEXURE I:	Comment from the Manager: Spatial Planning
ANNEXURE J:	Comment from The Manager: Property Management
ANNEXURE K:	Comment from the Manager: Development, Infrastructure Services
ANNEXURE L:	Comment from the Western Cape Government: Department of Transport & Public Works: Roads

PART K: ASSESSMENT OF THE LAND USE AND LAND DEVELOPMENT APPLICATION**APPLICATION FOR CLOSURE OF PUBLIC PLACE ON ERF 16489 STELLENBOSCH****AUTHOR OF PLANNING ASSESSMENT REPORT****NAME:** B. ZONDO**CAPACITY:** SENIOR TOWN PLANNER**SACPLAN REGISTRATION:** C/8589/2017**SIGNATURE:** **DATE:** 28/02/2022

PART L: SUBMISSION OF LAND USE AND LAND DEVELOPMENT ASSESSMENT REPORT**APPLICATION FOR CLOSURE OF PUBLIC PLACE ON ERF 16489 STELLENBOSCH****Authorised Employee to assess and make a recommendation on a land use and land development application for consideration by the authorised decision maker:**

As the duly authorised official in terms of Section 56 of the Stellenbosch Municipal Land Use Planning Bylaw (2015) to assess and make a recommendation on the above planning application, the subject planning report is hereby submitted for consideration to the duly authorised decision maker in accordance with the Categorisation Model for Land Use and Land Development Applications as approved by the Stellenbosch Municipality in accordance with Section 69(1) of the said Bylaw.

In terms of the Categorisation Model duly approved in terms of Section 69(1) of the said Bylaw vide Item 7.7.1 and dated 8 April 2020, the subject application is categorised as follows:

Category: N5

Decision Making Authority: SMPT

Rational: The property is owned by Council.

Name:

Steen Carstens

Capacity:

SMPT

SACPLAN Registration:

A/1551

Signature:

[Handwritten signature]

Date:

28/2/2022

PART M: SUBMISSION OF LAND USE AND LAND DEVELOPMENT ASSESSMENT REPORT**APPLICATION FOR CLOSURE OF PUBLIC PLACE ON ERF 16489 STELLENBOSCH****Administrator to Authorised Official / Municipal Planning Tribunal:**

It is hereby confirmed that proper notice was served of the Municipal Planning Tribunal meeting at which this land use and land development application will serve for consideration.

The land use and land development application will serve at the scheduled meeting of the Municipal Planning Tribunal on:

Date: **18 March 2022**

Name:

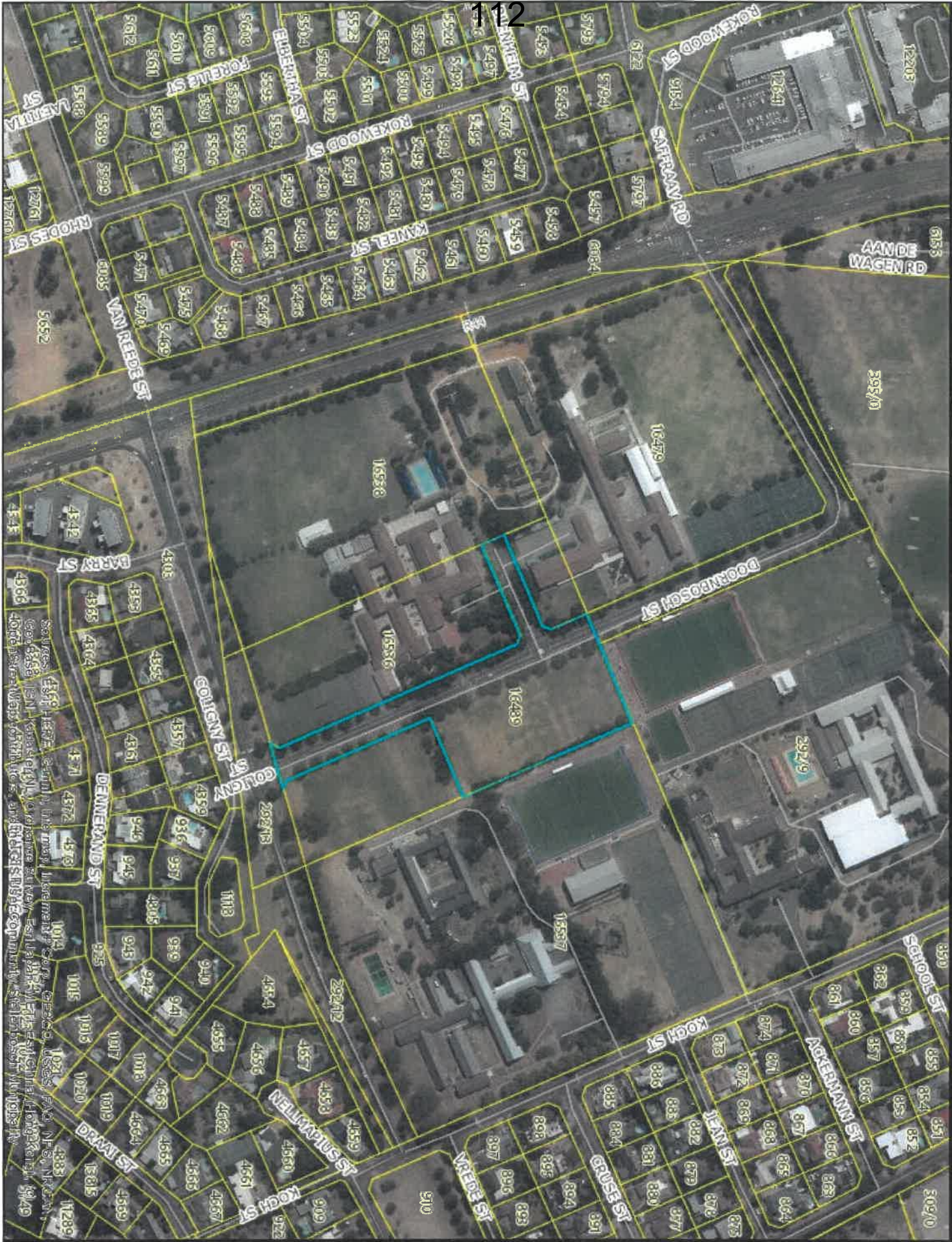
Capacity:

Signature:

Date:

ANNEXURE A: LOCALITY PLAN

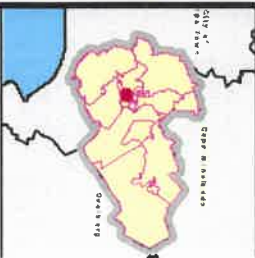
Stellenbosch GIS Map



SCALE

1:4 513,99

Legend



Stellenbosch Municipality
 Planning & Economic Development
 Created by: Corporate GIS
 Date: 2022/02/28



Author: Stellenbosch Municipality



Stellenbosch Municipality
 Street Address:
 71 Puder Street, Stellenbosch, 7800
 Tel: 021 908 9558


This GIS Map was produced by Stellenbosch Municipality. It is a public good and should be used for informational purposes only. It is not a legal document and should not be used for legal purposes. The map is provided as a service to the community and is subject to change without notice. The map is not a guarantee of accuracy and is provided as is. The map is not a warranty of accuracy and is provided as is. The map is not a warranty of accuracy and is provided as is.

ANNEXURE B: TITLE DEED

ANNEXURE D

14-09-1979.

23-11-1979

ORIGINAL GEMAKKELIJK STAMPED OUSSEL OUKT SEEL OUKT OUKT OUKT	
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T 37446	1979
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Opgestel deur my,

 TRANSPORTBESORGER.

A K T E _ V A N _ T R A N S P O R T

SY DIT HIERBY KENTLIK:

DAT CHARLES ROBERT KANNENBERG voor my, die REGISTRATEUR VAN ARTES te KAAPSTAD verskyn het, hy, die Komparant, daartoe behoorlik gemagtig kragtens, n Volmag aan hom verleen deur:-

NO.	NO.	NO.
R		
S		
P		
REKLEED		

HENRY REITZ VAN VELDEN GIE in sy hoedanigheid as Provinsiale Sekretaris en PHILIPPUS STEFANUS MEYER in sy hoedanigheid as Direkteur van Onderwys, synde die Onderwystrustees daargestel kragtens Artikel 193 van Ordonnansie Nr. 20 van 1956, soos gewysig deur Artikel 2 van Ordonnansie Nr. 5 van 1969

gedateer 15 Augustus 1979 en geteken te KAAPSTAD.

EN die genoemde Komparant het verklaar dat sy prinsipaal die gemelde

ONDERWYSTRUSTEES

waarlik/....

- 2 -

waarlik en wettiglik geskenk het aan die MUNISIPALITEIT STELLENBOSCH op die 29ste September 1978 welke skenking deur hul op die 1ste Augustus 1979 te Stellenbosch aanvaar was, en dat die ONDERWYSTRUSTEES by hierdie Akte sedeer en transporteer, in volle en vrye eiendom, aan en ten behoewe van die

MUNISIPALITEIT STELLENBOSCH

die se opvolgers in titel of regverkrygendes:-

1. SEKERE: stuk eiendomsgrond, synde Gedeelte 16 (n gedeelte van Gedeelte 10) van die plaas Doornbosch Nr. 292, geleë in die Munisipaliteit en Administratiewe Distrik van Stellenbosch;
GEHOU deur die ONDERWYSTRUSTEES kragtens Transportakte Nr. 29729 gedateer 5 September 1974;

GROOT: 9 194 (Negeduisend Eenhonderd Vier en Negentig) Vierkante Meters;
SOOS MEER VOLLEDIG SAL BLYK UIT AANGEHEGTE KAART NR. 183/79.

I. ONDERHEWIG aan die voorwaardes waarna verwys word in Transportakte Nr. 2323 gedateer 20 April 1932.

II. MET DIE VOORDEEL van die spesiale voorwaardes, opgelê deur die Testament van wyle Paul Ryk Roux, wie op 5 September 1908 (136/665) oorlede is, soos uiteengesit in gemelde Transportakte No. 2323 gedateer 20 April 1932:-

"Het/.....

WHITE GROUP
BLANKE GROEP

- 3 -

"Het water zal om de helft moeten verdeeld worden en zal vryen loop hebben van den eene naar den anderen: ,94 meter grond zullen aan ieder zyde van den sloot moeten gelaten worden tot schoonmaking om opruiming van den sloot. De drinkfontein zal gezamentlyk zyn en zal vryen toegang moeten gelaten worden voor de belanghebbenden of diensonderhoorigen tot het halen van water."

Die voorafgaande voorwaarde het betrekking op -

- (a) watervore soos op die Kaart (218/1909) van Lot M aangetoon;
- (b) Die fontein gemerk S op die Kaart (218/1909) van Lot M buite die figuur van Lot M en ook gemerk "Common Spring" op kaart geheg aan Transportakte No. 73 - 1 Junie 1793, op beide van welke kaarte 3,78 meter pad aangetoon is (gemerk c tot M op Kaart No. 218/1909 van Lot M en gemerk x tot M op kaart geheg aan Transportakte No. 73 - 1 Junie 1793), 1,89 meter op elke kant van die grens asook n pad gemerk M - S op kaart No. 218/1909 van Lot M buite die figuur daarvan en ook aangedui op Kaart geheg aan Transportakte No. 73 - 1 Junie 1793 lopende vanaf M tot "Common Spring" daarop, welke fontein en paaie gemeenskaplik is met Lot M, en met die restante aangedui op kaarte geheg aan Transportaktes No. 73 - 1 Junie 1793 en No. 205 - 15 Desember 1864; welke restante oorgedra was ten gunste van die boedel wyle Paul Hendrik Roux, wie oorlede is op 11 Julie 1930, 26958, kragtens Transportakte No. 2324 -

CWA

CWA

20 April/.....

- 4 -

20 April 1932, die gemelde spesiale voorwaardes synde vir die voordeel van gemelde Lot M en die gemelde restante.

Die pad waarna hierbo verwys word, word aangedui deur die lyn Da op Kaart 10739/73 en stel die middellyn voor van 'n pad 3,78m wyd en 1,89m wyd aan beide kante van die grens Da.

III. GEREGTIG op die voordeel van die voorwaarde, uiteengesit in Transportakte Nr. 5745 gedateer 23 April 1955, dat die grond daaronder getranspoteer, naamlik gedeelte 10, groot 6,8523 hektaar, sonder enige waterregte getranspoteer is

2. SEKERHE:

stuk eiendomsgrond, synde Gedeelte 15 (gedeelte van Gedeelte 6) van die plaas Doornbosch Nr. 292, geleë in die Munisipaliteit en Administratiewe Distrik van Stellenbosch;
OORSPRONKLIK getranspoteer aan Andries Christoffel Van der Byl Blake kragtens Sertifikaat van Gewysigde Titel op Konsolidasie Nr. 9587 gedateer 23 Junie 1954 EN LAASTENS gehou deur die ONDERWYS-TRUSTEES kragtens Transportakte Nr. 15829 gedateer 2 Junie 1976 (Paragraaf 2).

WHITE GROEP
BLANKE GROEP

GROOT:

1,7199 (Een komma sewe een nege nege) Hektaar;

SOOS MEER VOLLEDIG SAL BLYK UIT AANGEHEGTE KAART NR. 182/79.

I. ONDERHEWIG aan die voorwaarde waarna verwys word in Akte van Transport Nr. 7083 gedateer 9 Mei 1952.

II. MOET/.....

SM

SM

- 5 -

II. MET DIE VOORDEEL van die volgende spesiale voorwaardes gemeld in Akte van Transport Nr. 2324 gedateer 20 April 1932 opgelaê deur die Testament van Paul Hendrik Roux, wie oorlede is op 5 September 1908 (Nr. 136/665) naamlik:-

"Het water zal om de helft moeten verdeeld worden en zal vryen loop hebben van den eene naar den anderen; 0,94 meter grond zullen aan ieder zyde van den sloot moeten gelaten worden tot schoonmaking om op - ruiming van der sloot. De drinkfonteinen zal gezamentlyk zyn en zal vryen toegang moeten gelaten worden voor de belaghebbenden of diensonderhoorigen tot het halen van water."

die voorafgaande voorwaardes verwys na

- "(a) water furrows as indicated on diagram (No. 218/1909)
- (b) Spring markes S on diagram (No. 218/1909) of Lot M outside of the figure of Lot M and also marked "Common Spring" on diagram belonging to Transfer No. 73 - 1 June 1793 (marked "Common Spring" on the diagram No. 2132/53 annexed to the aforesaid Certificate of Amended Title on Consolidation) on both which diagrams is shown a 3,78 metre road marked c to M on diagram (No. 218/1909) of Lot M and marked x to M on diagram (belonging to Transfer No. 73 - 1 June 1793)(marked a to x on Diagram No. 2132/53 annexed to the aforesaid Certificate of Amended Title on Consolidation) 1,89 metre on either side of boundary as also a road marked M - S on diagram No. 218/1909 of Lot M outside the figure thereof and also shown on

Diagram/.....

SM

SM

- 6 -

Diagram belonging to Transfer No. 73 - 1 June, 1793 running from M to "Common Spring" thereof (marked x to "Common Spring" on the Diagram No. 2132/53 annexed to the aforesaid Certificate of Amended Title on Consolidation) which Spring and Roads are common to Lot M and to Remainers in Diagrams belonging to Transfer

No. 73 - 1 June 1793
No. 205 - 15 December 1864.

Al die bogenoemde Spesiale Voorwaardes met die voordeel van

Lot M Transfer No. 2323 dated 20th April, 1932,
to Estate J.P. Roux,

and

Remainers in Diagrams belonging to
Transfer No. 73 - 1 June 1793,
No. 205 - 15 December 1864.

III. ONDERHEWIG aan en GEREGTIG tot die voordeel van die voorwaardes verwys na in die endossement gedateer 23 Junie 1954 op Sertifikaat van Gewysigde Titel in Konsolidasie Nr. 9587 gedateer 23 Junie 1954, wat soos volg lees:-

"Onder Akte van Transport Nr. 9588 gedateer 2 Junie 1976 Gedeelte 1 groot 4,3828 Hektaar hierby oorgedra is:

- (a) Subject to a servitude road 6,30 metres wide, the northern edge of which is represented by the line g.b. on diagram No. 2133/53 of the said Portion 1 in favour of the remainder of within property, subject to a certain condition;
- (b) Subject further to the reservation in favour of the remainder of within property of:

(i) All/.....

- 7 -

- (i) All rights to water from the furrow marked on said diagram together with the right of free access, and
- (ii) All other water rights accruing to the farm Doornbosch Annexe measuring 16,2002 Hectares (of which said Portion 1 is a portion) save the right of the said Portion 1 to water out of the common spring shown on said diagram, subject to certain conditions.

Almal waarvan meer volledig sal blyk met verwysing na die genoemde Transportakte.

IV. GEREGTIG tot die Voordeel sonder waterregte soos vervat in Transportakte Nr. 18192 gedateer 4 November 1954.

WESHALWE die Komparant, afstand doende van alle regte en aanspraak wat die gemelde

ONDERWYSTRUSTEES

tevore op die voornoemde eiendom gehad het, ten behoewe soos voormeld, by gevolg ook erken dat die gemelde

ONDERWYSTRUSTEES

geheel en al uit die besit daarvan onthef is en nie meer daartoe geregtig is nie, en dat uit krag van hierdie Akte, die genoemde

MUNISIPALITEIT STELLENBOSCH

die se opvolgers in titel of regverkrygendes, nou en voortaan daartoe geregtig sal wees ooreenkomstig plaaslike gebruik, die Staat nogtans sy reg behoudende.

GAA

WIK


TEN/.....

- 8 -

TEN blyke waarvan ek, die genoemde Registrateur van Aktes tesame met die Komparant, hierdie Akte onderteken en met my ampseël bekragtig het.

ALDUS gedoen en onderteken in die Kantoor van die REGISTRATEUR VAN AKTES te KAAPSTAD op die 12^{de} dag van Desember Eenduisend Negehonderd Nege-en-Sewentig (1979).

In my teenwoordigheid:



 q.q. sy Prinsipaal



 REGISTRATEUR VAN AKTES

Geregistreer in die ^{Plaas} ~~Swere~~register van Stellenbosch
 Bladsy P+ 221101 / Pa 221101 /
 op bogemelde datum.


 R. Bousin
KLERK IN BEHEER.

2. BELASTINGSERTIFIKAAT UITGEREINDE PLAS.....
Stellenbosch GELDIG TOT: 31/12/1979.....
NAGESIEN: 1. 
2. 

The main body of the page is a large rectangle containing very faint, illegible text. There are several horizontal lines that appear to be part of a table or document structure. The text is mostly obscured by noise and low contrast. Some faint characters and symbols are visible, but they do not form any readable words or sentences.

764/79/A/S
/AVZ

Opgestel deur my,


TRANSPORTBESORGER.

VOLMAG OM TRANSPORT TE VERLEEN

Ons, die ondergetekendes

HENRY REITZ VAN VELDEN GIE in my hoedanigheid as
Provinsiale Sekretaris en PHILIPPUS STEFANUS MEYER
in my hoedanigheid as Direkteur van Onderwys, synde
die Onderwystrustees daargestel kragtens Artikel
193 van Ordonnansie Nr. 20 van 1956, soos gewysig
deur Artikel 2 van Ordonnansie Nr. 5 van 1969

benoem, magtig en stel hiermee aan

CHARLES ROBERT KANNENBERG OF DAVID GIDEON CONRADIE OF
FREDERIK CHRISTIAAN ELS OF PETRUS JOHANNES CILLIÉ

met mag van plaasvervanging om namens ons en ten ons behoewe
te verskyn voor die Registrateur van Aktes te KAAPSTAD en dan
en daar namens ons en ten behoewe van ons te verklaar dat ons op
29 September 1978 die ondergemelde eiendomme waarvan die
Onderwystrustees die geregistreeerde eienaar is kragtens Trans-
portaktes Nrs. 29729 gedateer 5 September 1974 en Nr. 15829
gedateer 2 Junie 1976 geskenk het aan

MUNISIPALITEIT STELLENBOSCH

1. SEKERE:

stuk eiendomsgrond, synde Gedeelte 16 (n
gedeelte van Gedeelte 10) van die plaas
Doornbosch Nr. 292, geleë in die Munisi-
paliteit en Administratiewe Distrik van
Stellenbosch;

 
GROOT: /.....

1954

The following is a list of the names of the persons who were present at the meeting held on the 15th day of June, 1954, at the home of Mrs. J. W. Smith, 1234 Main Street, New York, New York.

Present: Mr. J. W. Smith, Mrs. J. W. Smith, Mr. A. B. C., Mrs. A. B. C., Mr. D. E. F., Mrs. D. E. F., Mr. G. H. I., Mrs. G. H. I., Mr. J. K. L., Mrs. J. K. L., Mr. M. N. O., Mrs. M. N. O., Mr. P. Q. R., Mrs. P. Q. R., Mr. S. T. U., Mrs. S. T. U., Mr. V. W. X., Mrs. V. W. X., Mr. Y. Z. A., Mrs. Y. Z. A., Mr. B. C. D., Mrs. B. C. D., Mr. E. F. G., Mrs. E. F. G., Mr. H. I. J., Mrs. H. I. J., Mr. K. L. M., Mrs. K. L. M., Mr. N. O. P., Mrs. N. O. P., Mr. Q. R. S., Mrs. Q. R. S., Mr. T. U. V., Mrs. T. U. V., Mr. W. X. Y., Mrs. W. X. Y., Mr. Z. A. B., Mrs. Z. A. B., Mr. C. D. E., Mrs. C. D. E., Mr. F. G. H., Mrs. F. G. H., Mr. I. J. K., Mrs. I. J. K., Mr. L. M. N., Mrs. L. M. N., Mr. O. P. Q., Mrs. O. P. Q., Mr. R. S. T., Mrs. R. S. T., Mr. U. V. W., Mrs. U. V. W., Mr. X. Y. Z., Mrs. X. Y. Z., Mr. A. B. C., Mrs. A. B. C., Mr. D. E. F., Mrs. D. E. F., Mr. G. H. I., Mrs. G. H. I., Mr. J. K. L., Mrs. J. K. L., Mr. M. N. O., Mrs. M. N. O., Mr. P. Q. R., Mrs. P. Q. R., Mr. S. T. U., Mrs. S. T. U., Mr. V. W. X., Mrs. V. W. X., Mr. Y. Z. A., Mrs. Y. Z. A., Mr. B. C. D., Mrs. B. C. D., Mr. E. F. G., Mrs. E. F. G., Mr. H. I. J., Mrs. H. I. J., Mr. K. L. M., Mrs. K. L. M., Mr. N. O. P., Mrs. N. O. P., Mr. Q. R. S., Mrs. Q. R. S., Mr. T. U. V., Mrs. T. U. V., Mr. W. X. Y., Mrs. W. X. Y., Mr. Z. A. B., Mrs. Z. A. B., Mr. C. D. E., Mrs. C. D. E., Mr. F. G. H., Mrs. F. G. H., Mr. I. J. K., Mrs. I. J. K., Mr. L. M. N., Mrs. L. M. N., Mr. O. P. Q., Mrs. O. P. Q., Mr. R. S. T., Mrs. R. S. T., Mr. U. V. W., Mrs. U. V. W., Mr. X. Y. Z., Mrs. X. Y. Z.

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- 2 -

GROOT: 9 194 (Negeduisend Eenhonderd Vier en Negentig) Vierkante Meters;

2. SEKERE: stuk eiendomsgrond, synde Gedeelte 15 (n gedeelte van Gedeelte 6) van die plaas Doornbosch Nr. 292, geleë in die Munisipaliteit en Administratiewe Distrik van Stellenbosch;

GROOT: 1,7199 (Een komma sewe een nege nege) Hektaar;

en verder die gemelde grond te sedeer en te transporteer in volle en vrye eiendom, aan en ten behoeve van die gemelde

MUNISIPALITEIT STELLENBOSCH

en afstand te doen van alle regte wat DIE ONDERWYSTRUSTEES voorheen op gemelde eiendomme gehad het, te beloof die gemelde eiendomme te onthef en te waarborg asook dit te bevry van alle laste en hipoteke volgens die wette in verband met die koop en verkoop van vaste eiendom; die nodige Aktes en stukke op te maak en te teken of te laat teken; en in die algemeen en in alle opsigte ten aansien van voormelde doeleindes, alles te doen of te laat doen wat vereis mag word, ewe volkome as wat ons dit self sou doen of kon doen indien ons self teenwoordig was;

en/.....

Handwritten signatures and initials:
 P.M.
 J.M.
 20

Handwritten notes in the top right corner, possibly including a date or reference number.

Horizontal line of text or a header across the top of the main content area.

Main body of text, appearing as a list or series of entries with varying levels of indentation.

A line of text that appears to be a section separator or a specific heading.

A dotted horizontal line, likely serving as a section separator.

A large block of text, possibly a detailed list or a paragraph, with some items indented.

A dotted horizontal line at the bottom left of the page.

en ons bevestig en bekragtig hierby en stem in en beloof om te bevestig en te bekragtig alles wat ons genoemde gevolmagtigde kragtens hierdie volmag wettelik sal doen of laat doen.

GETEKEN te Kaapstad

op die 15de dag van Augustus 1979.

AS GETUIES:

- 1. *C. van O...*
- 2. *A. van H...*

[Handwritten Signature]

 PROVINSIALE SEKRETARIS

AS GETUIES:

- 1. *J. Mart...*
- 2. *[Handwritten Signature]*

[Handwritten Signature]

 DIREKTEUR VAN ONDERWYS

HIERNEE SENTIFISER EK DAT DIE TRANSAKSIE
 HIERIN BESKRYF, DEUR DIE ADMINISTRATEUR
 GOEDGEKUR IS.
 KAAPSTAD.
[Handwritten Signature]

 Direkteur van Werke
 15/8/79

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Small, faint text element in the center.

Small, faint text element on the right side.

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Horizontal line of text in the center.

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764/79/A/S
/AVZ

AANVAARDING VAN SKENKING

Ek, die ondergetekende

GERHARDUS MATTHYS STRYDOM

in my hoedanigheid as Stadsclerk
van die Munisipaliteit van Stellenbosch, aanvaar hiermee die
skenking van die ONDERWYSTRUSTEES van die volgende eiendomme:-

1. SEKERE:

stuk eiendomsgrond, synde Gedeelte 16 (n gedeelte van Gedeelte 10) van die plaas Doornbosch Nr. 292, geleë in die Munisipaliteit en Administratiewe Distrik van Stellenbosch;

GROOT:

9 194 (Negeduisend Eenhonderd Vier en Negentig) Vierkante Meters;

GEHOU:

deur die ONDERWYSTRUSTEES kragtens Transportakte Nr. 29729 gedateer 5 September 1974;

2. SEKERE:

stuk eiendomsgrond, synde Gedeelte 15 (n gedeelte van Gedeelte 6) van die plaas Doornbosch Nr. 292, geleë in die Munisipaliteit en Administratiewe Distrik van Stellenbosch;

GROOT:

1,7199 (Een komma sewe een nege nege) Hektaar;

GEHOU:/.....



AANSOEK OM HERSTELLING VAN AKTES
APPLICATION FOR RESTORATION OF DEEDS

Hiermee word aansoek gedoen om die herstelling van die volgende aktes:-
Application is hereby made to have the following deeds restored:

... Ondwys trustes 997, Munisipaliteit Stellenbosch

.....

.....

.....

Eiendom/Property: 1) Gedeelte 16 (Ged. van Ged. 10) van die plaas Doornbosch Nr. 292
2) Gedeelte 15 (inged. van ged. 6) van die plaas Doornbosch 292, beide Afd. Stellenbosch

Ek sertifiseer:

- (i) dat ek die grondregister nageslaan het en dat daar geen inskrywing teen die gemelde eiendom/me gemaak is ten opsigte van interdikte, caveatte, geaffekteerde eiendom kragtens Wet 3/1966, onteienings ens. of enige ander inskrywings of feite wat die registrasie van hierdie aktes raak nie; en
- (ii) dat geen interdikte uitstaande is ten opsigte van hierdie aktes of stel aktes.
- (iii) dat ek die toestemming tot hierdie aansoek van alle betrokke firmas het. (Indien enige).

I certify:

- (i) that I have checked the land register and that there is no entry against the within mentioned property/ties in regard to interdicts, caveats, affected property in terms of Act 3/1966, expropriations etc. or any other entry or facts which affects the registration of these deeds; and
- (ii) that there are no interdicts pending in respect of this deed or batch.
- (iii) that I have obtained the consent of all firms concerned to this application. (If any).


.....
AKTEVERVAARDIGER
CONVEYANCER

Datum/Date: 10/12/79



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NOTAS VAN ONDERSOEKERS - EXAMINERS' NOTES

J. de Vries

Verband. Band.	
Vir Kans. For Canc.	Vir Ged. Afbet. For Pt. Pmnt.
Vir Onthef For Release	Vir Sessie For Cassion.
Vir Afstand For Walver.	Vir Subst. For Substn.

B. G. STARKE

INTERDICTS CHECKED

B. d. VAN DER WESTHUIZEN

INTERDICTE NAGEDEN
 INTERDICTS CHECKED
 DATUM DATE
4.12.

Para 1+2

1) WHITE GROUP/PROC 205 (B) 1962

2. Sentipsa i/s korrekte grootte van para 2 op belastinguitkering sat. Stes keuring - heims gedaan.

3. i/s Para 1+2. Sentipsa Hoekom te para 1 nie onderling onderlewing aan voorwaarde II b/3 van titelakte is nie. - of wysig alles ook nodig. hierchi water geld ook vir para 2

i/s voorwaarde II b/3 van sy titelakte. Die sentipsa van die landbouer in para 1: an die eienaar in para 2. Die ander T 29 729/1974 nie. Voorwaarde I-II nie. Die ander T 29 729/1974 nie. in T. 582976

4) Laas. Water water voor... Die Staat is nie onderlewing aan Ord. 33/1934 nie, dus word die onderverdeling nie goedgeken deur die Staat.

5) Laas... Die Staat is nie onderlewing aan Ord. 33/1934 nie, dus word die onderverdeling nie goedgeken deur die Staat.

B.O.A

2136

⑥ Frek Zworp - blaitage kring:

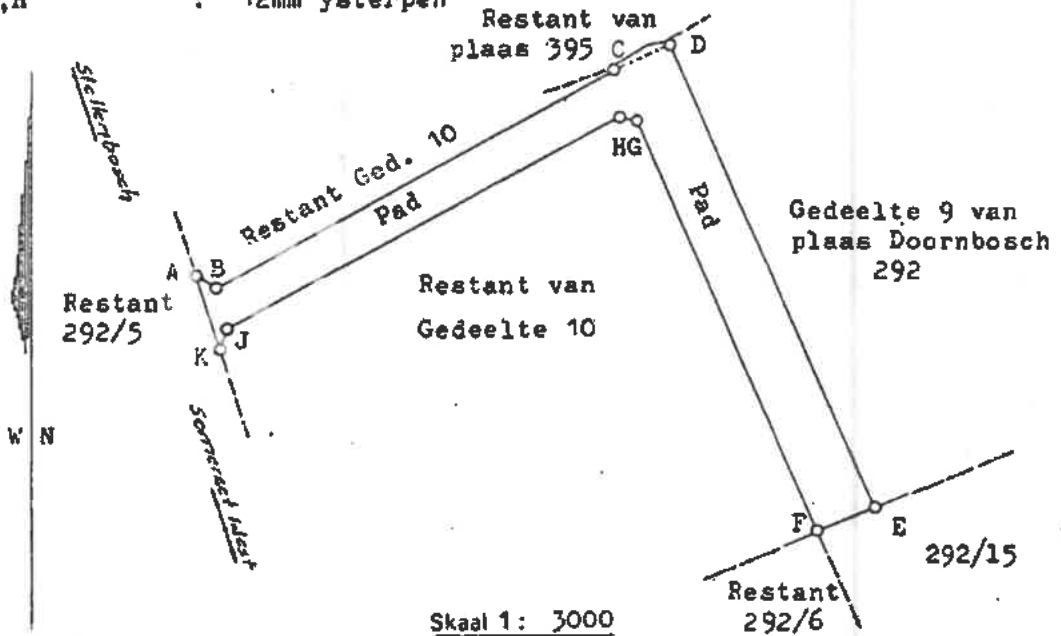
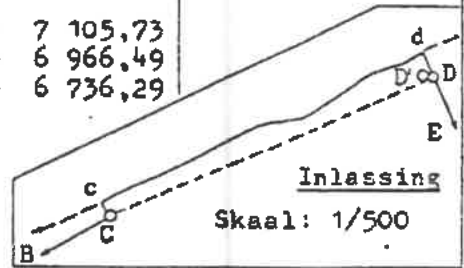
⑦ Not a 5 stem. Oudeworp moet no
 is mi vry getel me. ~~aan~~
 Aan die sodige op Kaarte in
 Netherag (R) The State is disposing
 of land and is not
 Subject to 59 of Ord.
 33/34 J.S.G.

FRIEDLAENDER, BURGER & VOLKMAN
Landmeter- & Land Surveyors

SYE METER	RIGTINGS- HOEKE	KOÖRDINATE		L.G. No.
		Y	Stelsel Lo. 19° X	
	Konstante	+ 10 000,00	+3750000,00	1 8 3 / 7 3
AB	8,90	A + 3 533,29	+ 7 207,54	Goedgekeur <i>[Handwritten Signature]</i> Landmeter-generaal 6 -2- 1979
BC	195,18	B + 3 525,01	+ 7 210,80	
CD	25,00	C + 3 354,44	+ 7 115,93	
DE	217,94	D + 3 331,61	+ 7 105,74	
EF	25,00	E + 3 243,86	+ 7 305,23	
FG	193,30	F + 3 266,91	+ 7 314,91	
GH	8,08	G + 3 344,74	+ 7 137,97	
HJ	192,02	H + 3 352,40	+ 7 135,40	
JK	9,27	J + 3 520,22	+ 7 228,73	
KA	31,34	K + 3 523,61	+ 7 237,35	
Cc	0,90	D' + 3 331,69	+ 7 105,73	
Dd	2,00	⊙ + 3 062,25	+ 6 966,49	
DD	0,08	⊙ + 3 495,30	+ 6 736,29	

Beskrywing van Bakens:


- A, B, C, F, J, K : 16mm ysterpen
- D : Nie gebaken nie
- D' : Graniet klip in beton
- E : 12mm ysterpen in beton
- G, H : 12mm ysterpen



Die figuur A B C c middel van watervoor d E F G H J K
stel voor 9 194 vierkante meter grond, synde
Gedeelte 16 (n gedeelte van Gedeelte 10) van die
plaas Doornbosch Nr. 292
geleë in die Munisipaliteit en Administratiewe Distrik
van Stellenbosch Provinsie Kaap die Goeie Hoop.
Opgemeet in Desember 1978 en Januarie 1979
deur my, *[Handwritten Signature]* Landmeter

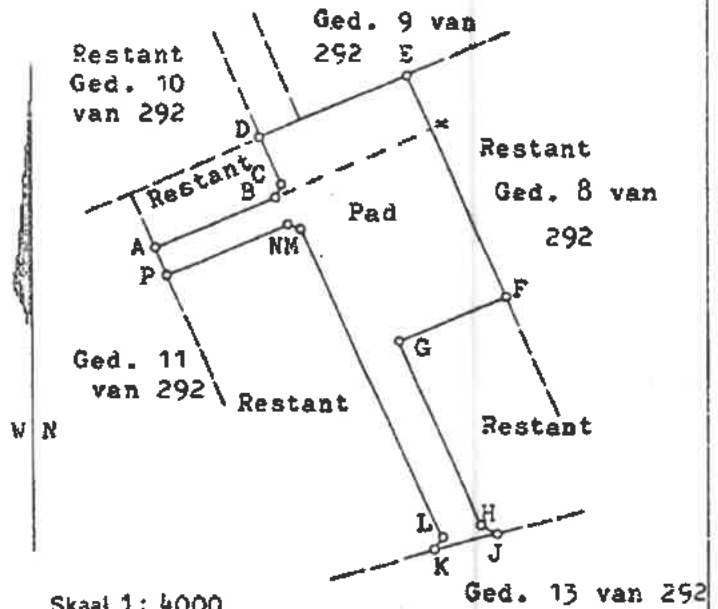
Hierdie kaart is geheg aan transportable No. 2-12-1979 37446 gedeelte t.g.v. Munisipaliteit Stellenbosch <i>[Handwritten Signature]</i> Registrateur van Aktes	Die oorspronklike kaart is. No. 10739/73 geheg aan Transport/Grondbrief No. 29729/74 (Vol.595)	Lêer No. STEL. 292 M.S. No. E.66/79 Komp. 3H-8DC/V51 (1497) /V53 (1502)
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FRIEDLAENDER, BURGER & VOLKMANH
Landmeter, Ploeg Surveyors

	SYE METER	RIGTINGS- HOEKE	KOÖRDINATE		L.G. No. 18279
			Y	X	
		Konstante	+ 10 000,00	+3750000,00	Goedgekeur  Landmeter-generaal 6-2-1979
AB	75,02	247 13 10	A + 3 326,80	+ 7 377,48	
BC	7,01	201 44 20	B + 3 257,63	+ 7 348,43	
CD	29,50	156 15 20	C + 3 255,03	+ 7 341,91	
DE	90,40	247 13 10	D + 3 266,91	+ 7 314,91	
EF	140,00	336 12 30	E + 3 183,56	+ 7 279,91	
FG	65,52	67 13 10	F + 3 127,08	+ 7 408,01	
GH	118,12	336 15 20	G + 3 187,49	+ 7 433,38	
HJ	7,53	295 08 00	H + 3 139,92	+ 7 541,50	
JK	36,25	74 00 40	J + 3 133,10	+ 7 544,70	
KL	7,89	205 08 00	K + 3 167,93	+ 7 554,68	
LK	196,64	156 15 20	L + 3 164,58	+ 7 547,54	
MN	7,13	111 44 20	M + 3 243,76	+ 7 387,54	
NP	75,02	67 13 10	N + 3 250,38	+ 7 364,91	
PA	18,00	156 14 35	P + 3 319,55	+ 7 393,95	
		N33D	⊕ + 3 062,25	+ 6 966,49	
		N35A	⊕ + 2 836,04	+ 7 488,92	

Beskrywing van Rakens:

- A, B, C, F, G, H, J, K, L, M, N, P : 16mm ysterpen
- D : 16mm ysterpen in beton
- E : 100mm ysterpyp hoekpaal in beton



Die figuur A B C D E F G H J K L M N P

stel voor 1,7199 hektaar

grond, synde

Gedeelte 15 (n gedeelte van Gedeelte 6) van die plaas

Doornbosch Nr. 292

geleë in die Munisipaliteit en

Administratiewe Distrik

van Stellenbosch

Provinsie Kaap die Goeie Hoop.

Opgemeet in Desember 1978, Januarie 1979

deur my.

J. J. J. J. J.
Landmeter

Hierdie kaart is geheg aan
Transportakte
No. 37446

gedateer 12-12-1979

i.g.v. Munisipaliteit

Stellenbosch

Registateur van Aktes

Die oorspronklike kaart is.

No. 2132/53 geheg aan

Transport/Grondbrief

No. 9584/54

1954.192.9587

Lêer No. STEL. 292

M.S. No. E.66/79

Komp.

BH-8DC/V53. (1502)

ANNEXURE E



POWER OF ATTORNEY (REGISTERED OWNER'S CONSENT)

I/we, the registered owner(s) STELLENBOSCH MUNICIPALITY

registered owner(s) of the following property(ies)

ERF 16488 STELLENBOSCH

wish to certify that authority is hereby granted to the following agent / consultant

DAMIEN BURGER OF FRIEDLAENDER BURGER VOLKMANN

in terms of the enclosed resolutions* (applicable if landowner is a registered company/closed corporation, trust, or other juristic person) to submit the following application types (*tick appropriate box.)

<input type="checkbox"/>	a rezoning of land
<input type="checkbox"/>	a permanent departure from the development parameters of the zoning scheme
<input type="checkbox"/>	a departure granted on a temporary basis to utilise land for a purpose not permitted in terms of the primary rights of the zoning applicable to the land
<input type="checkbox"/>	a subdivision of land that is not exempted in terms of section 24, including the registration of a servitude or lease agreement
<input type="checkbox"/>	a consolidation of land that is not exempted in terms of section 24
<input type="checkbox"/>	a removal, suspension or amendment of restrictive conditions in respect of a land unit
<input type="checkbox"/>	a permission required in terms of the zoning scheme
<input type="checkbox"/>	an amendment, deletion or imposition of conditions in respect of an existing approval
<input type="checkbox"/>	an extension of the validity period of an approval
<input type="checkbox"/>	an approval of an overlay zone as contemplated in the zoning scheme
<input type="checkbox"/>	an amendment or cancellation of an approved subdivision plan or part thereof, including a general plan or diagram
<input type="checkbox"/>	a permission required in terms of a condition of approval
<input type="checkbox"/>	a determination of a zoning
<input checked="" type="checkbox"/>	a closure of a public place or part thereof
<input type="checkbox"/>	a consent use contemplated in the zoning scheme
<input type="checkbox"/>	an occasional use of land
<input type="checkbox"/>	to disestablish a home owner's association
<input type="checkbox"/>	to rectify a failure by a home owner's association to meet its obligations in respect of the control over or maintenance of services
<input type="checkbox"/>	a permission required for the reconstruction of an existing building that constitutes a non-conforming use that is destroyed or damaged to the extent that it is necessary to demolish a substantial part of the building
<input checked="" type="checkbox"/>	a request for certification of exemption in terms of section 24

In respect of the afore-mentioned property(ies), to enable it to be developed/utilised for the following purpose(s):

Consolidation of the closed portion of public place with Erf 16488 Stellenbosch in order to extend the sportsfields of Rhenish High School.

The undersigned therefore nominates, constitutes, and appoints the above party with power of substitution to be the registered owner's legal representative/agent and to act in the name, place and stead of the registered owner(s) in the above regard. Accordingly, power of attorney is hereby also granted to the agent to sign and receive all correspondence in respect of the matter referred to above during the applicable process.

Registered owner's name	<u>STELLENBOSCH MUNICIPALITY</u>
Date	<u>11/12/2020</u>

[Signature]
 Registered owner's signature
[Signature]
 Geraldine du Toit

ANNEXURE C: DEVELOPMENT PLAN



Notes:

1. The figure ABCD represents Portion of Erf 16489 (Road) to be closed.
2. Portion A to be consolidated with Erf 16491.

Caveat

1. Any areas and dimensions are provisional and will be finalised at time of subdivision survey
2. All levels are to be confirmed prior to construction



Scale 1:2000 @ A4	Date: 31 March 2021	Contours: N/A	System: WG 19
ERF 16489 STELLENBOSCH PROPOSED ROAD CLOSURE, SUBDIVISION AND CONSOLIDATION WITH ERF 16491 STELLENBOSCH		friedlaender, burger & 	
Ref:ERF16489	Dwg:PROP SUB-REV1		

ANNEXURE D: APPLICANT'S MOTIVATION

Proposed Road Closure

**CLOSURE OF PORTION OF PUBLIC PLACE IN TERMS
OF SECTION 15(2) (n)**

**EXEMPTION IN TERMS OF SECTION 24(1) (d) & (e)
TO ALTER A PUBLIC STREET and
CONSOLIDATE WITH ADJOINING PROPERTY**

Prepared by

Friedlander, Burger and Volkmann

House 4 Patrysvlei Estate, Stellenbosch, 7600 | P.O. Box 154, Stellenbosch, 7599

Tel +27 21 8864004 Fax +27 21 8878088 Email info@fbvsurvey.co.za

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2	Pre-Application Scrutiny Feedback	1
3	Authority to apply	1
4	The Erven	2
4.1	Description	2
4.2	Current use and zoning	2
4.3	Access	2
4.4	Services	2
4.5	Restrictive Title Conditions	3
5	Reason for the proposal	3
6	Motivation	3
6.1	Closure of portion of a Public Place	3
6.2	Subdivision & consolidation	4
6.3	Principles of IDP & Municipal SDF	4
6.4	Summary	5
7	List of annexures	5

1 Proposal

Acting on behalf of the owners of Erf 16489 Stellenbosch ("the property") we propose to close a portion of a Public Place (Road) and consolidation the closed portion with the adjoining Erf

A locality plan is provided as Annexure A and a plan of proposed subdivision as Annexure B

In terms of Section 15 (2) (n) and 24(1) (d) and 24(1) (e) of the Stellenbosch Municipality Planning Land Use Planning By-Law, application is therefore made for the

- i. Closure of part of a public place, Portion A measuring $\pm 9161\text{m}^2$, a portion Erf 16489 Stellenbosch
- ii. Alteration of a public street
- iii. Consolidation of closed road, Portion A, with the adjoining property Erf 16491 Stellenbosch

2 Pre-Application Scrutiny Feedback

The pre-application scrutiny feedback is attached as Annexure C

3 Authority to apply

The Properties are owned by:

- Erf 16489 – Stellenbosch Municipality
The title deed is attached as Annexures D and the power of attorney/and authorisation as Annexure E
- Erf 16491 (Ptn 25 of Farm No.292) – has not yet been registered.
Erf 16491 is a consolidation of Portions 8 & 20 of Farm No.292
Portion 20 is also unregistered.
Portion 8 is registered in the name of the Government of the Western Cape.
The Department & Municipality have entered into a Memorandum of agreement that confirms that the subdivision must be consolidated with the adjoining property.
Memorandum of agreement as attached as Annexure F

4 The Erven

4.1 Description

Erf 16489 – measuring 1,7199 ha - comprised part of Doornbosch Road and part of the Rhenish High School Sports fields.

Erf 16491 – measuring 7,0045 ha – is the Rhenish High School site.

The diagrams are attached as **Annexures G & H**

4.2 Current use and zoning

The properties are zoned Education Zone. An extract from the Zoning plans is attached as **Annexure I**

No rezoning is required as part of the application.

Portion A has been part of the Rhenish High School Grounds since the school moved in 1958 and currently still is utilised as a sport field.

With the development and construction of Doornbosch Road around 1979, Erf 16489 (Ptn 15 of Farm No. 292) was subdivided and transferred to the Municipality.

Portion A however continued to be used as a sport field by Rhenish as still is the situation today.

4.3 Access

There is an existing access off Doornbosch Road to Portion A. The main access to Rhenish High School is off Koch Street.

4.4 Services

There are no municipal services connected to the property as it is used as a sports field

4.5 Restrictive Title Conditions

There are no restrictive Title Conditions

5 Reason for the proposal

Rhenish High School is busy with extensive development of their sporting facilities and with the preparation of building plans it was discovered that the property they have been using for years actually belongs to the Municipality.

The Municipality and the Western Cape Government via its Department of Transport and Public Works have now signed a Memorandum of Agreement to transfer the land to rectify the situation.

The Surveyor General has confirmed that on his records that Portion A is technically part of a Public Street. The Status Report is attached as **Annexure J**.

The closure of portion of a public place in terms of Section 15 (2) (n) is required notwithstanding the Education Zoning of Portion A.

The Department has requested that Portion A be consolidated with the adjoining property so that all internal boundary line fall away, and the school property can be utilised as one property.

6 Motivation

6.1 Closure of portion of a Public Place

Portion A has been used as sports fields for Rhenish High School for more than 40 year as if it were part of the school and has never been used as a road.

The Zoning Scheme also indicates the zoning to be Education Zone further confirming that it has always been seen and treated as if it were part of the school.

The Municipality has agreed to transfer the land to the Western Cape Government provided that it be utilised for educational purposes.

Technically, although zoned as Educational, Portion A is part of Erf 16489 that has the status of road. Portion A has never been used as a road and falls within the fenced property of Rhenish High School.

In order to transfer Portion A to the Western Cape Government it must first be closed as Public Place to enable it to be utilised for educational purposes as per the allocated zoning.

6.2 Subdivision & consolidation

After closure of portion of a public place a diagram is required to amend the public place and it is required that the closed portion be consolidated with the adjoining property

The application meets all the requirements for an Exemption in terms of Section 24 (d) and (e) of the By – Law

- (d) The consolidation of closed public place with an abutting erf
- (e) The construction or alteration of a public or proclaimed street

There is no impact on surrounding properties as the application is effectively an adjustment of boundaries between the two properties.

After consolidation, no additional land unit is created.

6.3 Principles of IDP & Municipal SDF

The application is in line with the principles of both the IDP and SDF.

There is no negative impact on the natural environment, cultural heritage, or transport as a result of the road closure, subdivision and consolidation as the current educational usage stays the same and it has never been used as road.

There is no new development or change in land use or zoning as a result of the road closure and consolidation.

6.4 Summary

No reason for refusal of the application is apparent and the Municipality has already entered into a Memorandum of Agreement with the Western Cape Government via the Department of Transport and Public Works to alienate the property.

7 List of annexures

Annexure A	Locality Plan
Annexure B	Layout Plan of Proposal
Annexure C	Pre-application scrutiny feedback
Annexure D	Title Deed of Erf 16489
Annexure E	Power of Attorney and authorization of Erf 16489
Annexure F	Memorandum of agreement
Annexure G	Diagram of Erf 16489
Annexure H	Diagram of Erf 16491
Annexure I	Extract of Zoning plans
Annexure J	Status Report

ANNEXURE A

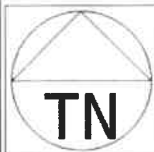
KLEINVALLEI

DEVONVALLEI

DIE BOORD



DALSIG



Caution
 1. Any areas and dimensions are provisional and will be finalised at time of subdivision survey.
 2. All levels are to be confirmed prior to construction.

Scale 1:20000 @A4

Date: December 2020

Contours: N/A

System: WG 19

LOCALITY PLAN

friedlaender, burg



Ref: ERF16489

Dwg: LOCALITY

ANNEXURE E: PROOF OF EVIDENCE (PUBLIC PARTICIPATION, GENERAL PLAN & AFFIDAVIT)

DECLARATION


I, (full names & surname) Damien Pieter Burger

and ID ~~XXXXXXXXXX~~ as the Applicant for the above application,

hereby confirm that the public participation process for the subject application was duly undertaken in accordance with the instruction for such process and the associated requirements stipulated in the Stellenbosch Municipal Land Use Planning Bylaw, and that the information contained in the above checklist and the accompanied information and documentation in the portfolio of evidence for the concluded public participation process, are accurate and complete:

I further confirm that no objections were received during the advertising period and that positive comment was received from 3 notified parties.

Signed at Stellenbosch on this 29 day of November 2021



Signature Applicant

<i>For office use only</i>	
CHECKED BY ADMINISTRATIVE OFFICER	<i>J. Katt</i>
CHECKED BY TOWN PLANNER	
DATE VERIFIED	

NOTES TO BE RECORDED:

ADVERTISING INSTRUCTION

	<u>YES</u>	<u>NO</u>
Advertise in press (Eikestad Nuus)	✓	
Notice on the property		✓
Registered letters to affected property owners	✓	
Registered letters to community organizations	✓	
External departments	✓	

AFFECTED / INTERESTED PROPERTY OWNERS LIST**30 DAYS TO COMMENT**

Erf 4303 - no records
 Erf 16479
 Erf 16536
 Erf 16537
 Erf 16538
 Farm 292/9 - Erf 16490
 Farm 292/13 - Erf 16494
 Farm 292/12 - Erf 16493

Stellenbosch Interest Group
info@stellenboschinterestgroup.org

Stellenbosch Ratepayers Association
info@stellenboschraters.org

60 DAYS TO COMMENT

Department of Transport and Public Works
 PO Box 2603
CAPE TOWN
 8000

Copies of notices to all the affected property owners identified**Owners identified**

Erf 4303 – Stellenbosch Municipality
Erf 16479 – Department Transport and Public Works
Erf 16536 - Department Transport and Public Works
Erf 16537 - Department Transport and Public Works
Erf 16538 - Department Transport and Public Works
Erf 16490 - Department Transport and Public Works
Erf 16494 - Stellenbosch Municipality
Erf 16493 - Stellenbosch Municipality

Editorial comment

Eikestad NUIS A boost from collaboration

Together we are always better and can accomplish more than we think we can. This is evident from the three-month Support Stellenbosch reward based campaign from Visit Stellenbosch.

Needless to say, we are very proud of Visit Stellenbosch CEO Jeanneret Momborg and her team for this great initiative, which ultimately injected R7m into the local economy.

A much-needed boost, as the tourism sector suffered major losses in 2020 due to the Covid-19 pandemic.

The campaign was underpinned by Visit Stellenbosch's Restaurant Recovery Fund, which covered the costs of the Stellenbucks and raised R1 770 000, thanks to generous donations from corporates, local businesses and private individuals.

This is a prime example of joining forces and working together so we can achieve great things and overcome many obstacles.

We know the pandemic is far from over, and the economy needs an even bigger boost and job creation is now needed more than ever.

But for now we will take this victory and celebrate it, because Visit Stellenbosch couldn't do it without everyone's help.

Well done Visit Stellenbosch and all who took part in this great initiative, for your help in keeping our town growing through this time.

“You learn more from failure than success. Don't let it stop you. Failure builds character.”
Unknown

Campaign a huge success

Visit Stellenbosch's innovative three-month voucher campaign injected R7m into the local economy. A report done by Stellenbosch University shows it boosted consumer confidence, job security and collaboration between the tourism industry and locals in the face of tough lockdown restrictions.



Jeanneret Momborg, CEO of Visit Stellenbosch.

The Bureau for Economic Research (Ber) at Stellenbosch University compiled a report on the Support Stellenbosch campaign, which ran from 5 September to 16 October 2020 (phase 1) and 23 October and 20 November 2020 (phase 2) to help support participating restaurants and establishments hard hit by the Covid-19 pandemic and subsequent lockdown.

Presented in partnership with SnapScan, Support Stellenbosch was a rewards-based campaign where locals and visitors received a voucher to the value of 50% of what they spent at an establishment (provided that they spent at least R200). The vouchers, called Stellenbucks, were capped at R400 and were redeemable through SnapScan at any participating restaurant within the campaign period.

The campaign was underpinned by Visit Stellenbosch's Restaurant Recovery

Fund, which covered the costs of the Stellenbucks and raised R1 770 000, thanks to generous donations from corporates, local businesses and private individuals.

In this way the campaign hoped to encourage residents and visitors to experience the Covid-safe, Stellenbosch Ready protocols, to support local eateries and promote return visits. But did it work?

To evaluate the impact and outcome of the campaign, Ber used various Stats SA data to quantify the devastating impact of the Covid-19 restrictions on the restaurant industry as a whole. An online survey to determine the realities faced and experiences of participating restaurant owners (including business activity before, during and after the campaign) and a SnapScan analysis of transactions was done during the campaign period.

According to the SnapScan analysis, 1 590 qualifying SnapScan transactions resulted in R5 458 150 spent at participating restaurants during the campaign period, while R1 878 491 worth of Stellenbucks vouchers were issued. Not all the vouchers were redeemed and R250 958 was returned into Visit Stellenbosch's Restaurant Recovery Fund for a future campaign. This amounted to

a total direct cash injection of R7 085 702 into the Stellenbosch economy.

Importantly, the vast majority of respondents (78,8%) indicated that business/activity during the Support Stellenbosch campaign was up compared to the month prior to the campaign (August 2020). The rest (21,4%) said that business was unchanged.

Additional unexpected impacts of the campaign were that individuals were spending more than they would usually to reach the minimum amount for the voucher, and waiters were making more from tips.

According to the Ber report, it is worth noting that the impact of the Support Stellenbosch campaign was far greater than the money spent at the participating restaurants. In addition to the direct impacts, the campaign also had significant indirect and induced impacts along the entire supply chain not to mention the strong sense of community and unity that it ignited and the positive collaboration between sub-sectors of the tourism industry and locals as a result.

According to Jeanneret Momborg, CEO of Visit Stellenbosch, there's little doubt that the Support Stellenbosch campaign helped keep businesses afloat after a very trying year. "The positive sentiment that was unlocked in our town happened at a time when our community needed it the most."

Parkeer-verneukspul spoedig stopgesit

Bryant Cupido
bryantcupido@media24.com

'n Man wat homself as 'n parkeerbelegter voorgoed en bestuurders probeer verneuk het, is die afgelope week vasgetrek.

Die Stellenbosch-munisipaliteit het bekend gemaak dat die verneuker toerusting gebruik het om inwoners se bankkaarte te kloon.

"Ons is in kennis gestel om ons

diensverskaffer, Street Parking Solutions, het dadelik 'n saak teen die verdagte aangemeld," het Stuart Grobbelaar, die woordvoerder van die munisipaliteit, gesê.

Die parkeerstelsel is ingestel om te verhoed dat mense parkeerings naby sakeondernemings en restaurante vir lang tydperke beset.

"Die parkeerstelsel lok meer inwoners en besoekers waar mense sonder die stelsel daagliks vir 'n dag lank 'n

parkeerterrein opennem het."

Parkeerbelegting kan maklik uitgeloen word aan hul oranje gildbeedjies en elektroniese toerusting. Hulle sal ook 'n amptelike kwitansie verstat.

Die Stellenbosch-polisie kon nie die klag wat die diensverskaffer se aangemeld is, bevestig nie.

© *franssen* kan klages van die aard aanmeld deur die 24-uur-lyn 021 886 8889 of skakel.

KENNISGEWING VAN GRONDONTWIKKELINGSAAANSOEK IN DIE STELLENBOSCH MUNISIPALE AREA

AANSOEK VIR DIE SLUITING VAN 'N GEDEELTE VAN DOORNBOSCHSTRAAT (PUBLIEKE PLEK) OP ERF 16489 STELLENBOSCH

Adres van eendrom: Doornboschstraat Stellenbosch
Aansoeker: Friedlaender Burger Volkmanh
Eienaar: Stellenbosch Munisipaliteit
Aansoek Verreësing: 011/12577

Beskrywing van grondontwikkelingsaansoek: Aansoek word gedoen in terme van Artikel 15(1)(h) van die Stellenbosch Munisipale Verordening op Grondverreësingbeplanning, 2015 vir die sluiting van 'n gedeelte van Doornboschstraat (publieke plek) op Erf 16489 Stellenbosch wat tans gebruik word vir sportvelde.

Kenning word herneë gegee in terme van die genoemde verordeninge dat bevoegde aansoek by die Stellenbosch Munisipaliteit ingedien is vir oopwing. Die aansoek is beskikbaar vir insae op die Beplanning Portaal van die Stellenbosch Munisipaliteit se Webtuiste vir die tydspan van die publieke deelname proses by die volgende adres: <https://www.stellenbosch.gov.za/planning/documents/planning/notice/land-use-applications-advertisements> indien die werksaamheid van tersaaklike dokumente nie toeganklik is kan die aansoek versoek word om 'n elektroniese kope beskikbaar te stel.

Skriftelike kommentaar, wat besonderhede ten opsigte van die verreësing nommer van die aansoek, die name, fisiese adres en kontak besonderhede van die persoon wat die kommentaar lewer, die redes vir die kommentaar, en die belang van die persoon wat die kommentaar lewer in die aansoek, kan ingedien word in terme van Artikel 50 van genoemde Verordeninge aan die Aansoeker by wyse van elektroniese pos as volg: comment@planning@cc.za of per post na: comment@planning@cc.za of per post na: comment@planning@cc.za of per post na: comment@planning@cc.za

Die kommentaar moet binne 30 dae vanaf die datum van hierdie kennisgewing gestuur word en moet ontvang word voor of op die laaste dag van die sluitings datum van 13 Julie 2021.

Indien daar enige vrae of die aansoek of bevestigde werksaamheid by die lewer van kommentaar is of indien dit nie moontlik is om geskrewe kommentaar te lewer of die kommentaar op die wyse te lewer spesifiek voorgesien gemaak is nie, kan die Aansoeker geskakel word vir bystand by die verneuk elektroniese pos adres of telefonies by 021 886 4001 gedurende normale kantoorure.

NOTICE OF LAND DEVELOPMENT APPLICATION IN THE STELLENBOSCH MUNICIPAL AREA

APPLICATION FOR THE CLOSURE OF PART OF DOORNBOSCH ROAD (PUBLIC PLACE) SITUATED ON ERF 16489 STELLENBOSCH

Application Address: Doornbosch Road Stellenbosch
Applicant: Friedlaender Burger Volkmanh
Owner: Stellenbosch Municipality
Applicant Reference: 011/12577

Description of land development application: Application is made in terms of Section 15(1)(h) of the Stellenbosch Planning By-law, August 2015 for the closure of part of Doornbosch Road (public place) situated on Erf 16489 that is currently used as sport fields.

Notice is hereby given in terms of the said By-law that the above mentioned application has been submitted to the Stellenbosch Municipality for consideration. The application is available for inspection on the Planning Portal of the Stellenbosch Municipality website for the duration of the public participation process at the following address: <https://www.stellenbosch.gov.za/planning/documents/planning/notice/land-use-applications-advertisements> if the website or documents cannot be accessed by electronic copy of the application can be requested from the Applicant.

Written comments, which must include the reference to the application, the name, contact details and physical address of the person to submit the comments, the reasons for the comments, and the interest of the person in the application, may be submitted in terms of Section 50 of the said By-law to the Applicant by electronic mail as follows: email: comment@planning@cc.za or per post to: comment@planning@cc.za

The comments must be submitted within 30 days from the date of this notice to be received on or before the closing date of 13 July 2021.

For any enquiries on the Application or the above requirements or if you are unable to write and/or submit your comments as provided for, you may contact the Applicant for assistance at the email address provided or telephonically at 021 886 4001 during normal office hours.

CONTACT US/KONTAK ONS

Tel. 021 887-2840
PO Box 28 Stellenbosch 7500
44 Alexander Street

LETTERS/BRIEFS
Editeur: Eikestadnuus
Redakteur: Eikestadnuus
Adres: Eikestadnuus, PO Box 28, Stellenbosch 7500
Telefoon: 021 887 2840
Faks: 021 887 2840
E-pos: info@eikestadnuus.com
Web: www.eikestadnuus.com



OMBUDSMAN

Contact: Eikestadnuus: ombudsman without complaints
Acty complaints, advies of suggesties about complaint in Eikestadnuus may be sent to our ombudsman George Claassen on 083 543 2475 or 021 8533232 or at george.claassen@media24.com.



Stuur enige klages name of voorstelle oor die inhoud van Eikestadnuus aan ons ombudsman, George Claassen by 083 543 2475 of 021 8533232 of george.claassen@media24.com.

Damien Burger

From: Damien Burger
Sent: Wednesday, June 9, 2021 3:03 PM
To: 'Samkele Sikweza'
Subject: NOTICE OF LAND DEVELOPMENT APPLICATION : CLOSURE OF PART OF PUBLIC PLACE ON ERF 16489 STELLENBOSCH
Attachments: DEPT TRANSPORT.pdf

DEPARTMENT OF TRANSPORT AND PUBLIC WORKS : WESTERN CAPE GOVERNMENT
IMMOVABLE ASSET MANAGEMENT

Attention Mr. Samkele Sikweza

Dear Mr Sikweza

The Department of Public Works is the registered owner of Erven 16479, 16536, 16537, 16538 and 16490 Stellenbosch that adjoins the proposed closure of part of Public Place situated on Erf 16489 Stellenbosch. As an Interested and Affected Part please find attached hereto a Notice of the Land Development Application for comment.

The Municipality has also identified the Department of Transport and Public Works as a Government Department that requires 60 days to comment.

Damien Burger
FRIEDLAENDER, BURGER & VOLKMANN

Find us: <https://goo.gl/maps/JhVnoSPrxKv6om1r5>

Professional Land Surveyors • Sectional Title Consultants • Mapping Consultants

Professionele Landmeters • Deeltitel Konsultante • Kartering Konsultante

House 4 Pabrysvlei Estate - Libertas Farm • TEL: 021 8864008, FAX 021 8878088 • PO Box / Posbus 154, Stellenbosch, 7599 • E-mail:

damien@fvsurvey.co.za

Please note that this message is intended for specific recipients and its content is private and confidential. If you are not the intended recipient please return the message and then delete it.

Damien Burger

From: Damien Burger
Sent: Wednesday, June 9, 2021 3:20 PM
To: 'Piet.Smit@stellenbosch.gov.za'
Subject: NOTICE OF LAND DEVELOPMENT APPLICATION : CLOSURE OF PART OF PUBLIC PLACE ON ERF 16489 STELLENBOSCH
Attachments: Municipality.pdf

STELLENBOSCH MUNICIPALITY

Attention Mr. Piet Smit

Dear Mr Smit

Erven 16494, 16493 and 4303 Stellenbosch are owned or vest with the Municipality as Public Streets that adjoins the proposed closure of part of Public Place situated on Erf 16489 Stellenbosch.

As an Interested and Affected Part please find attached hereto a Notice of the Land Development Application for comment.

Damien Burger

FRIEDLAENDER, BURGER & VOLKMANN

Find us: <https://goo.gl/maps/2hYno5PrXvefamt1r5>

Professional Land Surveyors • Sectional Title Consultants • Mapping Consultants

Professionele Landmeters • Deeltitel Konsultante • Kartering Konsultante

House 4 Patrysvlei Estate – Libertas Farm • TEL: 021 8864004, FAX 021 8878088 • PO Box / Posbus 154, Stellenbosch, 7599 • E-mail:

damien@fvsurvey.co.za

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Damien Burger

From: Damien Burger
Sent: Wednesday, June 9, 2021 3:26 PM
To: 'info@stellenboschinterestgroup.org'
Subject: NOTICE OF LAND DEVELOPMENT APPLICATION : CLOSURE OF PART OF PUBLIC PLACE ON ERF 16489 STELLENBOSCH
Attachments: INTEREST GROUP.pdf

Dear Sir/Madam

As an Interested and Affected Part please find attached hereto a Notice of a Land Development Application for comment.

Regards

Damien Burger

FRIEDLAENDER, BURGER & VOLKMANN

Find us: <https://goo.gl/maps/3hVnoSPrrXw4qmNr5>

Professional Land Surveyors • Sectional Title Consultants • Mapping Consultants

Professionele Landmeters • Deeltime Konsultante • Kartering Konsultante

House 4 Patrysvlei Estate – Libertas Farm • TEL: 021 8864004, FAX 021 8878086 • PO Box / Posbus 154, Stellenbosch, 7599 • E-mail:

damien@fvsurvey.co.za

Please note that this message is intended for specific recipients and its content is private and confidential. If you are not the intended recipient please return the message and then delete it.

Damien Burger

From: Damien Burger
Sent: Wednesday, June 9, 2021 3:25 PM
To: 'info@stellenboschrategie.org'
Subject: NOTICE OF LAND DEVELOPMENT APPLICATION : CLOSURE OF PART OF PUBLIC PLACE ON ERF 16489 STELLENBOSCH
Attachments: RATE-PAYERS.pdf

Dear Sir/Madam

As an Interested and Affected Part please find attached hereto a Notice of a Land Development Application for comment.

Regards
Damien Burger
FRIEDLAENDER, BURGER & VOLKMANN

Find us: <https://goo.gl/maps/3hVno5PrrXw4qmNr5>

Professional Land Surveyors • Sectional Title Consultants • Mapping Consultants

Professionele Landmeters • Deelwit Konsultante • Kartering Konsultante

House 4 Patrysvlei Estate – Libertas Farm • TEL: 021 8864004, FAX 021 8878088 • PO Box / Posbus 154, Stellenbosch, 7599 • E-mail:

damien@fvsurvey.co.za

Please note that this message is intended for specific recipients and its content is private and confidential. If you are not the intended recipient please return the message and then delete it.

**ANNEXURE F: MEMORANDUM OF AGREEMENT OF
TRANSFER & COUNCIL RESOLUTION**

ANNEXURE F



STELLENBOSCH
STELLENBOSCH • STAM • STANSBURG
MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

MEMORANDUM OF AGREEMENT OF TRANSFER

Entered into by and between:

STELLENBOSCH MUNICIPALITY

(Herein represented by Ms Geraldine Mettler in her capacity as Municipal Manager, having been duly authorised hereto)

(Herein referred to as the "Municipality")

and

WESTERN CAPE GOVERNMENT

VIA ITS DEPARTMENT OF TRANSPORT AND PUBLIC WORKS

(Herein represented Mr. Shane Duane Hindley, in his capacity as Head of Component: Immovable Asset Management, having been duly authorized hereto)

(Herein referred to as the "WCG")




[Handwritten signatures and initials: MZF, MM, GM]

PREAMBLE:

- A. **WHEREAS** the Municipality is the registered owner of Portion 15 of Farm 292, Stellenbosch.
- B. **WHEREAS** the Western Cape Government (WCG) has requested that a portion of land, consisting of a portion of Portion 15 of Farm 292, Stellenbosch, measuring approximately 9080m² in extent, be transferred to it with no purchase price payable, to be utilised for educational purposes, and the Municipality being amenable thereto on the conditions set out herein.



NOW THEREFORE THE PARTIES AGREE AS FOLLOWS:**1. INTERPRETATION**

- 1.1 In this Agreement, unless the context indicates a contrary intention, a word or expression which denotes:
- 1.1.1 any gender shall include the other gender;
- 1.1.2 a natural person shall include juristic persons and vice versa;
and
- 1.1.3 the singular shall include the plural and vice versa.
- 1.2 In the event that the date for the performance of any obligation or the exercise of any right in terms of this Agreement falls on a day which is not a Business Day, then the relevant date for performance of any obligation

  M.M.
Scanned with CamScanner 

or the exercise of any right in terms of this Agreement shall be the immediately succeeding Business Day.

- 1.3 When any number of days or other period is prescribed, such number of days or other period shall be calculated exclusively of the first and inclusively of the last day unless the last day falls on a day which is not a Business Day, in which event the last day shall be the immediately succeeding Business Day.
- 1.4 The expiry or termination of this Agreement shall not affect those provisions of this Agreement that expressly provide that they will operate after any such expiration or termination or which of necessity must continue to have effect after such expiration or termination, notwithstanding that the clauses themselves do not expressly provide for this.
- 1.5 Where figures are referred to in numerals and in words, if there is any conflict between the two, the words shall prevail.
- 1.6 Words and expressions defined in any sub-clause shall bear the meanings assigned to such words and expressions in this entire Agreement.
- 1.7 This Agreement shall be governed by and construed and interpreted in accordance with the laws of South Africa. Any reference to an enactment or regulation is to that enactment or regulation as at the date of this Agreement and as amended or re-enacted from time to time thereafter.

  MBZ
M.M.
gm

2. DEFINITIONS

2.1 In this Agreement the following expressions bear the meanings assigned to them below and cognate expressions bear corresponding meanings:

2.1.1 "Agreement" means this Memorandum of Agreement of Transfer and all its annexures;

2.1.2 "Business Day" means any day other than a Saturday, Sunday or public holiday in the Republic of South Africa and "Business Days" has a corresponding meaning;

2.1.3 "Deeds Office" means the office of the Registrar of Deeds at Cape Town;

2.1.4 "Municipality" means the Stellenbosch Municipality situated at Town House Complex, Plein Street, Stellenbosch, 7600;

2.1.5 "Occupation Date" means the date on which the WCG takes lawful occupation of the Property;

2.1.6 "Parties" means the Municipality and the WCG and "Party" shall have a corresponding meaning;

2.1.7 "Property" means a portion of Portion 15 of Farm 292, Stellenbosch, measuring approximately 9080m², situated in Stellenbosch, Western Cape; as indicated on APPENDIX 1, hereto attached;

Handwritten signatures and initials, including "meZ M.M" and a large stylized signature.

- 2.1.8 "State Attorney" means the office of the State Attorney, Cape Town;
- 2.1.9 "Transfer" means registration of the transfer of the Property in the Deeds Office into the name of the WCG;
- 2.1.10 "Transfer Date" means the date of registration of the transfer of the Property in the Deeds Office in the name of the WCG; and
- 2.1.11 "WCG" means the Western Cape Government via its Department of Transport and Public Works situated at 9 Dorp Street, Cape Town.

3. TRANSFER FREE OF CHARGE

- 3.1 The Parties agree that the Property will be Transferred free of charge to the WCG, subject to the following conditions:
- 3.1.1 All costs incidental to the Transfer of the Property will be borne by the WCG;
- 3.1.2 The WCG will be responsible for the survey, sub-division and rezoning of the property, and all costs incidental thereto; and
- 3.1.3 The WCG will be responsible for the upgrading of bulk infrastructure, should the need arise, and for making a contribution towards the Bulk Infrastructure Fund of the Municipality as per the approved Tariff Structure at the time of approval of the site development plan, if applicable.

5



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MEE
M.M

4. DATE OF ALIENATION

The date of alienation shall be the date upon which this Agreement is signed on behalf of the Municipality.

5. DATE OF OCCUPATION

The Parties hereby record that the WCG will take possession and occupation of the Property on date of signature of this agreement.

6. TRANSFER OF RISK

All risk, profit and loss in the Property will pass to the WCG on the Transfer Date.

7. RATES AND TAXES


The WCG shall pay all rates, taxes and like charges levied in respect of the Property from the Transfer Date.

8. TRANSFER AND OTHER RELATED PROVISIONS

8.1 Transfer shall be effected by the State Attorney and shall be taken as soon as possible after all costs as described in clause 3.1.2 above have been paid by the WCG.

8.2 All the costs of and incidental to the Transfer, including the conveyancing fees (Together with VAT payable on such fees) and any other costs or duties payable of a similar nature, in respect of the Transfer




met
M.M
GM

and the registration of the necessary mortgage bonds, shall be paid by the WCG to the State Attorney within 30 (thirty) calendar days of being requested by them to do so, which fees, costs and/or duties shall not exceed the recommended transfer and bond costs, issued by the Cape Law Society from time to time.

8.3 In the event of this Agreement being cancelled as a result of a breach of its terms by either Party, the Party in breach shall be liable to pay on demand to the State Attorney all fees and disbursements reasonably incurred by them as at the date of cancellation.

8.4 The Municipality and the WCG hereby undertake in favour of each other-

8.4.1 to complete and/or sign all documents necessary to effect Transfer within five (5) Business Days after being required by the State Attorney to do so; and

8.4.2 to take all steps, pay all such amounts and do and procure the doing of all such things that are reasonable in the circumstances so as to place the State Attorney in a position to effect Transfer without unnecessary delay or hindrance.

8.5 It is specifically recorded that:

8.5.1 the property only be used for educational purposes;

8.5.2 the WCG be responsible for the sub-division and rezoning of the land for educational purposes, at their cost; and

7



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NEZ
M.M

GM

8.5.3 should the proposed development require any upgrading to existing bulk infrastructure, that such upgrading be for the account of the WCG, at the then applicable tariffs.

9. NO TRANSFER UNTIL FULFILMENT OF OBLIGATIONS

The WCG shall not be entitled to registration of Transfer until it has complied with all its obligations in terms of this Agreement, which have to be complied with prior to Transfer.

10. COSTS

The WCG shall within twenty-one (21) Business Days of request by the Municipality or the State Attorney pay all costs of and incidental to the alienation and registration of Transfer, which without derogating from the generality of the foregoing, shall include, where applicable, transfer duty, VAT, conveyancing fees, survey fees, any penalties or interest imposed due to delays.

11. ACKNOWLEDGEMENT AND DISCLOSURE

The WCG acknowledges that:

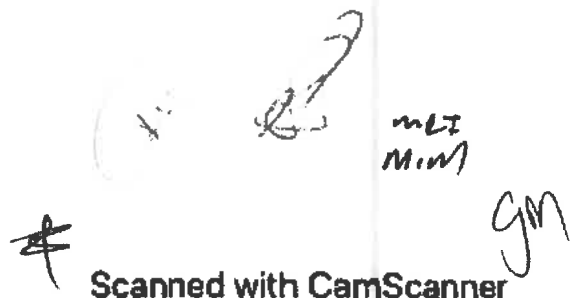
- 11.1 It has been given sufficient time to inspect the Property, to consider all provisions of this Agreement and obtain advice;
- 11.2 It has had sufficient opportunity to appoint professionals for purposes of inspecting the Property and assisting it in any way it requires in relation to the Property;

- 11.3 It is acquainted with the nature, extent and condition of the Property;
- 11.4 The Property may have certain latent defects of which the WCG is unaware both at the date of alienation hereof and the Transfer Date. The Municipality cannot be held liable for any such defects which appear after the Transfer Date;
- 11.6 The Property, including all buildings and other improvements thereon, is transferred in accordance with the Municipality's title deeds and the diagram or general plan framed or to be framed in respect thereof;
- 11.7 The size of the property will only be determined once a new diagram has been approved, consolidating a portion of erf 342 with remainder erf 1331;
- 11.8 The property needs to be consolidated with erf 3630;
- 11.9 The Municipality renounces all claims to any excess in the extent of the Property and will not be answerable for any deficiency in the extent of the Property, and no warranty is given in respect of boundaries; and
- 11.10 The Municipality shall not be responsible for indicating existing boundaries and beacons.

12. TITLE DEED CONDITIONS

This alienation is subject to each and every condition and servitude specified in the original and subsequent title deeds and to all other rights

9

Handwritten signatures and initials, including "MLI MIM" and "GM".

and conditions imposed by any statutory authority and to any approval and/or permit and/or waiver of pre-emptive right in terms of any law as may be necessary. Without detracting from the generality of the foregoing provisions the Property is Transferred subject to such conditions, or any amendment thereof, imposed by the local authority when approving the sub-division and/or consolidation and/or re-zoning of the land of which the Property forms part and the conditions of establishment of the aforesaid township, or any amendment thereof, if applicable.

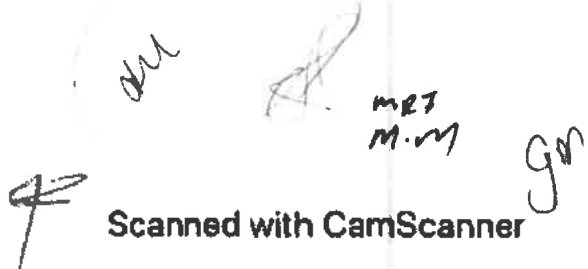
13. BREACH OF CONTRACT

13.1 All terms and conditions of the sale of the Property are material.

13.2 Breach by the WCG:

13.2.1 In the event of the WCG failing to fulfill any of the terms and/or conditions of this Agreement, including any performance required to be undertaken by a due date and/or remaining in default for a period of twenty-one (21) days after the Municipality has given notice to the WCG calling upon the WCG to remedy such default, then and in any such event, the Municipality will be entitled without further notice, in addition to and without prejudice to any other rights available to it at law:

13.2.2.1 to cancel this Agreement by written notice to that effect sent by registered post to the WCG's chosen *domicilium citandi et executandi*, in which event the Municipality shall be entitled to retain all monies paid



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by the WCG to the State Attorney pending determination of its damages; or

13.2.2.2 to require the fulfilment by the WCG of all the other terms and conditions of this Agreement; or

13.2.2.3 in respect of any time period as the case may be, upon written request by the WCG, to grant to the WCG an extension of time.

13.2.2 In the event of a breach of this Agreement by the WCG, the Municipality shall in addition to any other remedy it may have, be entitled to claim damages as it may be able to prove.

13.2.3 In the event of clause 13.2.2.3 applying, the WCG's written request for an extension of time shall reach the Municipality before the expiry of the twenty-one (21) day notice period in terms of clause 13.2.1. Upon receipt of such written request, the Municipality shall evaluate the request and notify the WCG within thirty (30) days of receipt thereof whether or not such request has been granted. In the event of an extension being granted the Municipality shall notify the WCG of the terms and conditions of such extension. The granting of an extension of any time period shall be in the sole discretion of the Municipality and no extension of time or any indulgence granted by the Municipality to the WCG in respect of the WCG's obligations will constitute a waiver of the Municipality's right to enforce compliance of the terms and conditions of this Agreement nor will it constitute a novation hereof. Should an extension not be

aw
M.M.
G.M.
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granted, the WCG shall be in breach and the Municipality shall have the remedies available to it in this Agreement and in common law.

- 13.2.4 In the event of the cancellation of this Agreement in terms hereof, the WCG shall notwithstanding and without prejudice to any rights the Municipality has under this Agreement, if so required by the Municipality, remove or cause to be removed within three (3) months from the date that the Municipality has notified the WCG of such requirement, all or any structures, any constructions, improvements or buildings (collectively referred to as "Buildings") which may have been erected on the Property. The removal of Buildings and the reinstatement of the Property shall be entirely to the satisfaction of the Municipality in its sole discretion. Any Buildings not removed by the WCG as afore-said, shall thereupon vest in the Municipality without payment of compensation therefor, provided that the WCG shall be liable to compensate the Municipality for any loss or expense it may sustain by reason of the WCG's failure so to remove, and the Municipality itself thereafter removing Buildings.
- 13.2.5 In the event of the Municipality cancelling this Agreement and the WCG disputing the Municipality's right to cancel and remaining in occupation of the Property, the WCG shall, pending settlement of such dispute either by negotiation, arbitration or litigation, continue to pay all sums of money due under this Agreement, including rates and taxes, and the Municipality shall be entitled to accept and recover such

AW *mes* *M.M* *gm*

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payments, the acceptance of which shall be without prejudice to and shall not in any way whatsoever affect the Municipality's claim for cancellation then in dispute. Should the dispute be determined in favour of the Municipality, the payments made and received in terms of this clause shall be deemed to be amounts paid by the WCG on account of the damages suffered by the Municipality, by reason of the cancellation of this Agreement and/or the unlawful holding over by the WCG, and shall be taken into account when determining the Municipality's damages.

13.2.6 The WCG shall be liable for all legal costs, including attorney and client costs, collection commission and tracing fees, incurred by the Municipality in enforcing any of its rights in terms of this Agreement.

13.3 Breach by the Municipality:

13.3.1 In the event of the Municipality failing to fulfill any of the terms and/or conditions of this Agreement and remaining in default for a period of 21 (twenty-one) days after the WCG has given notice to the Municipality calling upon it to remedy such default, then and in any such event the WCG shall be entitled without further notice, in addition to and without prejudice to any other rights available to it in law:

13.3.1.1 to cancel this Agreement by written notice to that effect sent by registered post to the Municipality's chosen *domicilium citandi et executandi*; or

[Handwritten signatures and initials]

13.3.1.2 to claim immediate fulfillment by the Municipality of its obligations in terms of this Agreement.

13.3.2 In the event of a breach of this Agreement by the Municipality, the WCG shall in addition to any other remedy it may have, be entitled to claim damages as it may be able to prove.

14. EXTENSION OF TIME PERIOD

Subject to clause 13.2.3, a request by either Party for the extension of any time period referred to in this Agreement shall reach the other Party before the expiry date of the relevant time period. Upon receipt of such written request the relevant Party shall evaluate the request and notify the affected Party within thirty (30) days of receipt thereof whether or not such request has been granted. In the event of an extension being granted the relevant Party shall notify the affected Party of the terms and conditions of such extension. The granting of an extension of any time period shall be in the sole discretion of the relevant Party and no extension of time or any indulgence granted will constitute a waiver of the relevant Party's right to enforce compliance of the terms and conditions of this Agreement nor will it constitute a novation thereof.

15. DOMICILIUM CITANDI ET EXECUTANDI

15.1 The Parties nominate as their *domicilium citandi et executandi* for the purposes of this Agreement and for the serving of legal documents and notices the following physical addresses:

Municipality:

3rd Floor
Absa Building
Pleinstreet
Stellenbosch
7600

WCG:

Western Cape Government via its Department of Transport and Public
Works
Chief Directorate: Immovable Asset Management
9 Darp Street
Cape Town
8001

- 15.2 Any notice will be deemed to be legally delivered if delivered by hand or sent by registered post to that address, in which event it will be conclusively deemed to have been received, in the event of hand-delivery, on the date of delivery, or, in the event of delivery by registered post, on the seventh (7th) day after the posting thereof.

16. CONFIDENTIALITY OF INFORMATION

- 16.1 The Parties shall keep confidential and not disclose to any person, save as may strictly be necessary for the purpose of the implementation of the transaction, all information of and concerning the affairs of each other that they may have acquired in negotiating and settling this Agreement and no Party shall disclose any such information to any third party or use any such information for its own benefit, provided that this

15

obligation shall not extend to information-

- 16.1.1 which is in or comes into the public domain otherwise than through the default of any Party or an outsider;
- 16.1.2 the disclosure of which is agreed to by the Parties;
- 16.1.3 which is properly available to the public or disclosed or divulged pursuant to an order of a court of competent jurisdiction; and/or
- 16.1.4 the disclosure of which is required by law, or other regulatory authority.

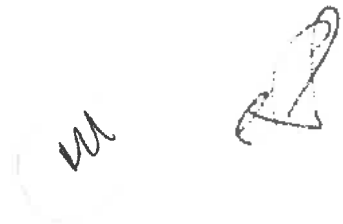
17. VARIATION

No addition to or variation, consensual cancellation or novation of the Agreement and no waiver of any right arising from the Agreement or its breach or termination shall be of any force or effect unless reduced to writing and signed by all the Parties or their duly authorised representatives.

18. RELAXATION OF TERMS

No latitude, extension of time or other indulgence which may be given or allowed by any one Party to another Party in respect of the performance of any obligation hereunder or enforcement of any right arising from the Agreement and no single or partial exercise of any right by any one Party shall under any circumstances be construed to be an implied consent by such Party or operate as a waiver or a novation of, or otherwise affect any of that Party's rights in terms of or arising from the Agreement or estop such Party from enforcing, at any time and without

16



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notice, strict and punctual compliance with each and every provision or term hereof.

19. WHOLE AGREEMENT

The Agreement constitutes the whole Agreement between the Parties as to the subject matter hereof and no agreement, representations or warranties between the Parties other than those set out herein are binding on the Parties.



17

mt
M.M

gm.

SIGNED at Stellenbosch on this 1st day of December ~~2019~~ 2020

[Signature]
THE MUNICIPALITY

AS WITNESS:

- 1. [Signature]
- 2. [Signature]

SIGNED at CAPE TOWN on this 11th day of NOVEMBER ~~2019~~ 2020

[Signature]
THE WESTERN CAPE GOVERNMENT

AS WITNESS:

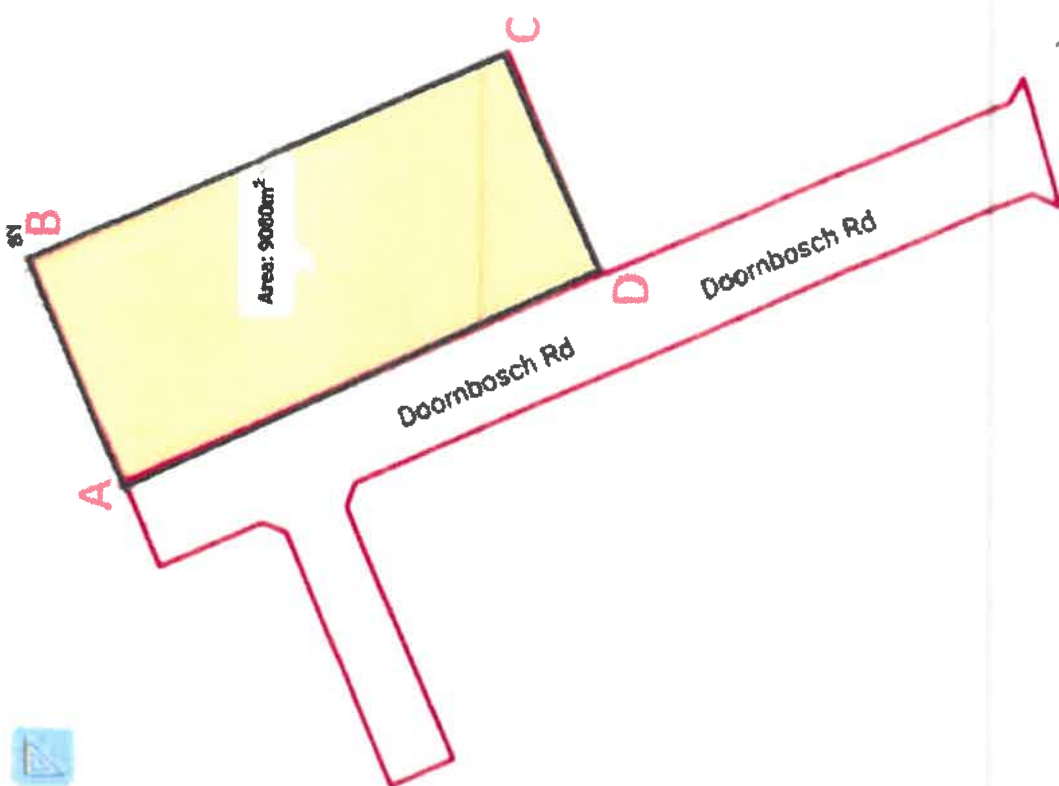
- 1. [Signature]
- 2. [Signature]



gn



Map Satellite



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Ap Rd
Map data ©2023 AirGIS (Pty) Ltd. Google Terms

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6.4 Legal implications

The recommendations comply with the legislation and council policy.

6.5 Staff implication

None

6.6 Previous/Relevant Council resolutions

Item 7.2.1 dated 22 August 2018.

6.7 Risk implication

None

6.8 Comments from Senior Management

The item was not re-circulated for comments.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2018-11-09: ITEM 7.2.2

- (a) that it be noted that no comment/inputs/objections have been received following the public notice period; and
- (b) that Council resolves to dispose of a portion of portion 15 of Farm 292, Stellenbosch, measuring approximately 9080m² in extent to the Provincial Government of the Western Cape, at no cost to the Department subject to the following conditions:
- (i) that the property only be used for educational purposes;
 - (ii) that the Provincial Government of the Western Cape be responsible for the subdivision and rezoning of the land to educational purposes, at their cost;
 - (iii) that the area as depicted on APPENDIX 3 as parking area, be developed as a public parking area;
 - (iv) that, should the proposed development require any upgrading to existing bulk infrastructure, that such upgrading be for the account of the Provincial Government, at the then applicable tariffs;
 - (v) that no potable water be used to fill or top-up any of the (to be constructed) swimming pools, and that the school must use its existing ground-water source for this purpose.

ANNEXURES:

- Appendix 1 – Council resolution dated 22 August 2018
Appendix 2 – Advertisement dated 27 September 2018
Appendix 3 – Area to be developed as public parking area

FOR FURTHER DETAILS CONTACT:

NAME	<i>Piet Smit</i>
POSITION	<i>Manager: Property Management</i>
DIRECTORATE	<i>Corporate Services</i>
CONTACT NUMBERS	<i>021-8088189</i>
E-MAIL ADDRESS	<i>Piet.Smit@stellenbosch.gov.za</i>
REPORT DATE	<i>2018-10-31</i>

APPENDIX 1



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Collaborator No:
IDP KPA Ref No:
Meeting Date:

(To be filled in by administration)
(Choose a KPA from 2017 – 2021 IDP)
(The date of the specific meeting must be filled in here)

1. SUBJECT:

**POSSIBLE DISPOSAL OF A PORTION OF PORTION 15 OF FARM 292
(NOW KNOWN AS ERF 16489), STELLENBOSCH**

2 PURPOSE

To obtain Council's approval for the possible disposal of a portion of Portion 15 of Farm 292, Stellenbosch, for educational purposes.

3. DELEGATED AUTHORITY

**(FOR DECISION BY MUNICIPAL COUNCIL, EXECUTIVE MAYOR AND
MAYORAL COMMITTEE, PORTFOLIO COMMITTEE, EXECUTIVE
MANAGEMENT, ETCETERA)**

The Municipal Council must decide on the disposal of Municipal Land in terms of the Asset Transfer Regulations.

4. EXECUTIVE SUMMARY

Rhenish Girls High School are utilising a portion of Portion 15 of Farm 292 (Public Street) for a hockey field in terms of a Lease Agreement. The Provincial Department of Transport and Public Works has now requested that the subject property be transferred to them for educational purposes.

5. RECOMMENDATIONS

- 5.1** that the portion of Portion 15 of Farm 292, measuring approximately 9000m², as indicated as ABCD in Fig 3, be identified as land not needed for the provision of the minimum level of basic municipal services and to be surplus to the requirements of the Municipality, as required by regulation 20 (f) (i) of the Asset Transfer Regulations;

- 5.2 that the property be transferred to the Provincial Government of the Western Cape at no cost, seeing that no compensation was paid (historical cost) when the property was transferred to Stellenbosch Municipality by the Provincial Government (vesting transfer) and taking into account the community benefit (gain), should the property be developed as envisaged, as provided for in regulation 20 (f) (ii) of the Asset Transfer Regulation, subject to the following conditions;
- a) that the property only be used for educational purposes;
 - b) that the Provincial Government of the Western Cape be responsible for the closing of the public road and rezoning to educational purposes, and for the subdivision of the land at their cost;
 - c) that the area as depicted on APPENDIX 5 as parking area, be developed as a public parking area;
 - d) that, should the proposed development require any upgrading to existing bulk infrastructure, that such upgrading be for the account of the Provincial Government, at the then applicable tariffs;
 - e) that no portable water be used to fill or top-up any of the (to be constructed) swimming pools, the school must use its existing ground-water source for this purpose.
- 5.3 that Council's intention to dispose of the property at no charge to the Provincial Government of the Western Cape be advertised for public comment/inputs.
- 5.4 that, should any objections be received as a consequence of such notice, same be considered by Council before making a final decision;
- 5.5 that, should no objection be received as a consequence of the notice, the Municipal Manager be authorised to effect the transfer of the property into the name of the Provincial Government of the Western Cape.

6. DISCUSSION / CONTENTS

6.1. Background

6.1.1 Creation of Portion 15 of Farm 292

During the late 1970's, with the subdivision of the Farm Doombosch, to enable the development of the Rhenish and Eikestad schools, Portions 15 and 16 of Farm 292 were created as public road/commercial parking areas. Because of its status as public road the ownership vested with the municipality. The actual transfer to the Municipality took place on 12 December 1979, free of charge.

Although the roads were construction at the time, the area under consideration was never developed as a parking area, instead it was developed as a hockey field (by the school). Ever since the land is used by the school as a hockey field in terms of a Lease Agreement concluded with the Municipality.

Please find hereto attached as APPENDIX 1 a copy of a letter dated 12 December 1986, confirming the above.

6.1.2 Application to acquire a portion of Portion 15 of Farm 292, Stellenbosch

Hereto attached as APPENDIX 2 a self-explanatory letter received from the Western Cape Government: Immovable Asset Management, in terms whereof they apply to acquire a portion of the land for the purpose of building a swing pool (Rhenish School). They requested that the land be made available at no cost, as the project will also benefit the broader Community of Stellenbosch.

6.2 Discussion

6.2.1 Location and context

The subject property is situated in Doombosch road, as indicated on Fig 1-3, below.



Fig 1: Location and context

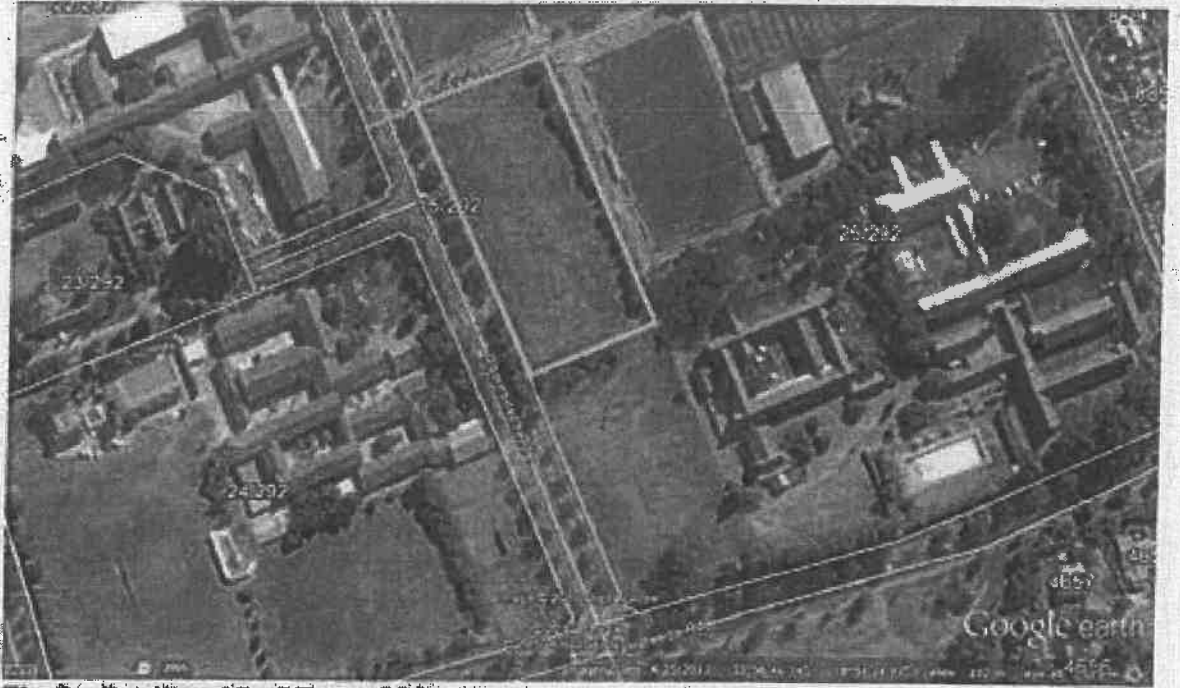


Fig 2: Portion 15 of Farm 292

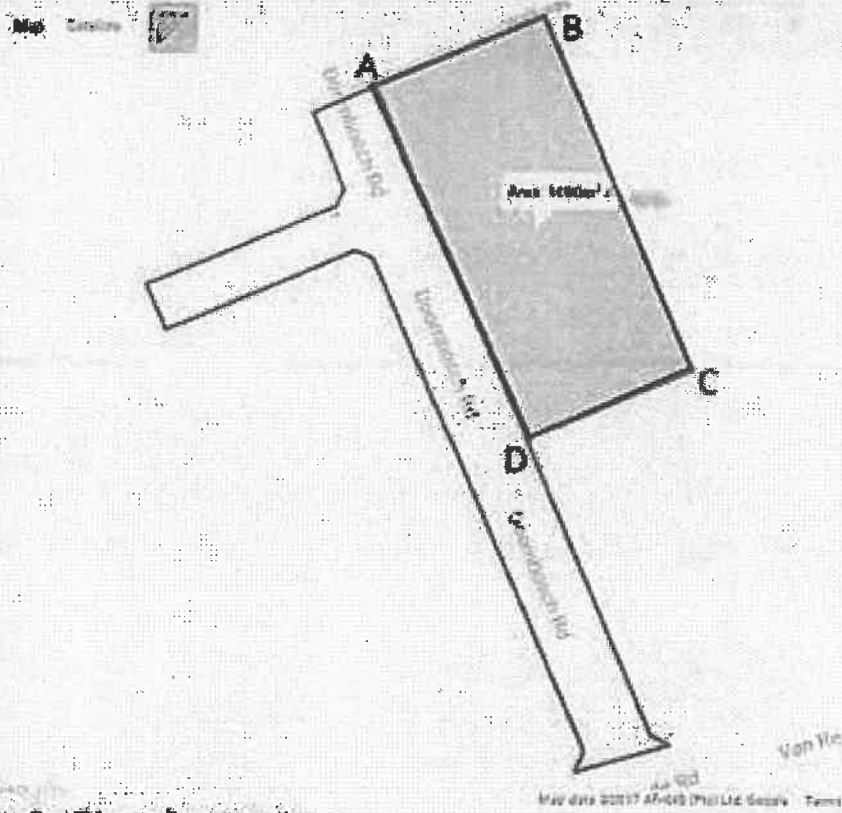


Fig 3: Size of property

6.2.2 Ownership

Ownership of Portion 15 of Farm 292 (now erf 16489) measuring 1.7199ha in extent, vests with Stellenbosch Municipality by virtue of its status as public road and in terms of Title Deed T37446/1979. See copy of Windeed printout hereto attached as APPENDIX 3.

6.2.3 Zoning

As indicated above the subject property is zone as public street.

6.2.4 Size of property

Although Portion 2 of Farm 292 is 1.7199ha in extent, the subject property (which is currently used as a hockey field) is approximately 8080m² in extent. See copy of diagram attached as APPENDIX 4.

6.2.5 Proposed development

Hereto attached as APPENDIX 5 a lay-out of the proposed development, where provision is made for two swimming pools and an astro hockey field, with ample provision for parking.

6.2.6 Legal requirements

6.2.6.1 MFMA

In terms of Section 14(2) of the MFMA a Municipality may dispose of a capital asset, but only after the municipal council, in a meeting open to the public –

- (a) has decided on reasonable grounds that the asset is not needed to provide the minimum level of basic municipal services; and
- (b) has considered the fair market value of the asset and the economic and community value to be received in exchange for the asset.

In terms of Section 40 of the Municipal Supply Chain Management Regulations, a municipality's supply chain management policy must, *inter alia*, specify the ways in which assets may be disposed of to another organ of state at market related value or, whether free of charge.

Such policy must stipulate that immovable property may be sold only at market related prices, except when the public interest or the plight of the poor demands otherwise.

Stellenbosch Municipality's Supply Chain Management Policy, as well as the new Property Management Policy, however, is silent on ways in which assets may be transferred to another organ of state, seeing that the Asset Transfer Regulations sufficiently deals with this kind of transaction.

6.2.6.2 Asset Transfer Regulations

In terms of Chapter 3 of the Municipal Asset Transfer Regulations (R878/2008) the transfer of certain assets to another organ of state may be exempted from the provisions of Section 14 of the MFMA.

Sub-regulation 20 (1) (a) to (f) of the Regulations define the circumstances in which such transfer is exempted. In terms of sub-regulation 20 (f)(i), section 14 (1) to (5) of the MFMA does not apply if a municipality transfer a capital asset to an organ of state in circumstances not provided for under section 20 (a) to (e), provided that –

- (i) the capital asset to be transferred is determined by resolution of the Council to be not needed for the provision of the minimum level of basic municipal services and to be surplus to the requirements of the Municipality; and
- (ii) if the capital asset is to be transferred for less than fair market value, the municipality has taken into account, *inter alia* the expected loss or gain that is to result from the proposed transfer.

Further, in terms of Section 29 of the Regulations, the value of a capital asset to be transferred to an organ of state (as contemplated in section 20) must be determined in accordance with the accounting standards that the Municipality is required by legislation to apply in preparing its annual financial statements.

In the absence of such guidelines, any of the following valuation method must be applied:

- (a) Historical cost of the asset
- (b) Fair market value of the asset;
- (c) Depreciated replacement cost of the asset; or
- (d) Realizable value of the asset.

From the above it is clear that, although the property under discussion does not fall in the categories described in section 20 (a) to (e) (exempted), Council can indeed regard it as being exempted, provided that the provisions of section 20 (f) (i) and (ii) have been considered.

The property under consideration is part of the street reserve and earmarked for public parking. As such it has no intrinsic value, unless it is rezoned. Should the property be developed as suggested by the Provincial Government, it will be to the benefit of the broader community.

In this particular circumstances it is suggested that the benefits (to the community) out-ways the anticipated lost in income, in which case the provisions of Section 29 (2) (a) would apply, i.e. historical cost be used as a

basis of valuation. As indicated above, the property was transferred (vesting transfer) to Stellenbosch Municipality by the Provincial Government, free of charge. For this reason it is recommended that the property be transferred to the Provincial Government of the Western Cape at no cost.

6.2.6.3 Property Management Policy

As indicated above, the new Property Management Policy is silent on how to deal with land transactions with other organs of state, seeing that the Asset Transfer Regulations sufficiently deals with it.

6.2.6 Closing of Public Street

Should Council indeed decide to dispose of the property the subject property will have to be closed as a public street, and rezoned at the cost of the Provincial Government.

6.3. Financial Implications

Although Council must dispose of the property at a market related price it is suggested that it be disposed of at no cost, seeing that it was originally transferred to the Municipality by the Provincial Government free of charge. The future rates and taxes will be paid by the Provincial Department of Education.

6.4 Legal Implications

The recommendations in this report comply with Council's policies and applicable legislation, as set out in paragraph 6.26 (*supra*).

6.5 Staff Implications

This report has no staff implications to the Municipality.

6.6 Previous / Relevant Council Resolutions:

None

6.7 Risk Implications

This report has no risk implications for the Municipality.

6.8 Comments from Senior Management:

6.8.1 Director: Infrastructure Services

Support the recommendations contained in the report. We have an MV cable that is running partly in the property. If the property is disposed of, in its

current form, a servitude will have to be registered. However, if it will be cut off properly (not include the road as well as keep to the boundary of the court, then its fine.

6.8.2 Director: Planning and Economic Development

No comments received

6.8.3 Director: Corporate Services (Legal Services)

The objective is supported in principle provided that the legal requirements are accommodated in the recommendations.

ANNEXURES

- Annexure A: Letter from Department of Works
- Annexure B: Letter from Department of Transport and Public Works
- Annexure C: Windeed printout
- Annexure C: LG Diagram 132/79
- Annexure D: Plan Lay-out

FOR FURTHER DETAILS CONTACT:

NAME	<i>Piet Smit</i>
POSITION	<i>Manager Property Management</i>
DIRECTORATE	<i>Human Settlement & Property Management</i>
CONTACT NUMBERS	<i>021-8088189</i>
E-MAIL ADDRESS	<i>Piet.Smit@stallenbosch.gov.za</i>
REPORT DATE	<i>2018-05-10</i>

[Report date is important especially if a report has compliance deadlines to adhere to. Contact details also important for councillors or someone from executive management to contact the report writer]

DIRECTOR: HUMAN SETTLEMENTS & PROPERTY MANAGEMENT

The contents of this report have been discussed with the Portfolio Committee Chairperson and the Councillor agrees with the recommendations.

7.2.1	POSSIBLE DISPOSAL OF A PORTION OF PORTION 15 OF FARM 292 (NOW KNOWN AS ERF 16489), STELLENBOSCH
--------------	--

Collaborator No: 600950
 IDP KPA Ref No:
 Meeting Date: 08 August 2018

1. SUBJECT: POSSIBLE DISPOSAL OF A PORTION OF PORTION 15 OF FARM 292 (NOW KNOWN AS ERF 16489), STELLENBOSCH

2. PURPOSE

To obtain Council's approval for the possible disposal of a portion of Portion 15 of Farm 292, Stellenbosch, for educational purposes.

3. DELEGATED AUTHORITY

FOR DECISION BY MUNICIPAL COUNCIL

The Municipal Council must decide on the disposal of Municipal Land in terms of the Asset Transfer Regulations.

4. EXECUTIVE SUMMARY

Rhenish Girls High School is utilising a portion of Portion 15 of Farm 292 (Public Street) for a hockey field in terms of a Lease Agreement. The Provincial Department of Transport and Public Works has now requested that the subject property be transferred to them for educational purposes.

19TH COUNCIL MEETING: 2018-08-22: ITEM 7.2.1

RESOLVED (majority vote)

- (a) that the portion of Portion 15 of Farm 292, measuring approximately 9080m², as indicated as ABCD in Fig 3, be identified as land not needed for the provision of the minimum level of basic municipal services and to be surplus to the requirements of the Municipality, as required by regulation 20 (f) (i) of the Asset Transfer Regulations;
- (b) that the property be transferred to the Provincial Government of the Western Cape at no cost, seeing that no compensation was paid (historical cost) when the property was transferred to Stellenbosch Municipality by the Provincial Government (vesting transfer) and taking into account the community benefit (gain) should the

property be developed as envisaged, as provided for in regulation 20 (f) (ii) of the Asset Transfer Regulation, subject to the following conditions:

- (i) that the property only be used for educational purposes;
 - (ii) that the Provincial Government of the Western Cape be responsible for the subdivision and rezoning of the land to educational purposes, at their cost;
 - (iii) that the area as depicted on APPENDIX E as parking area, be developed as a public parking area;
 - (iv) that, should the proposed development require any upgrading to existing bulk infrastructure, that such upgrading be for the account of the Provincial Government, at the then applicable tariffs;
 - (v) that no potable water be used to fill or top-up any of the (to be constructed) swimming pools, and that the school must use its existing ground-water source for this purpose.
- (c) that Council's intention to dispose of the property at no charge to the Provincial Government of the Western Cape for educational purposes, be advertised for public comment/inputs/objections; and
- (d) that, any comments/inputs/objections be considered by Council before making a final decision.

The following Councillors requested that their votes of dissent be minuted:

Clr F Adams; GN Bekubaku-Vos (Ms); DA Hendrickse; LK Horsband (Ms); MD Oliphant; N Sinkhys (Ms); P Sitsholi (Ms) and LL Stander.

APPENDIX 2



STELLENBOSCH
 STELLENBOSCH • FRIEL • FRANSCHANSIE
 MUNISIPALITEIT • UMASHALA • MUNICIPALITY

OFFICIAL NOTICE

PROPOSED DISPOSAL OF A PORTION OF PORTION 18 OF FARM 292 (NOW KNOWN AS ERF 18429), STELLENBOSCH TO THE PROVINCIAL GOVERNMENT OF THE WESTERN CAPE

Notice is hereby given in terms of par. 9.2.2 of Stellenbosch Municipality's Policy on the Management of Council-owned property of the Municipality's intention to dispose of a portion of land to the Provincial Government of the Western Cape for educational purposes, at no cost (gratis transfer).

Background

Rhenish Girls High School is utilising a portion of Portion 18 of Farm 292 (public street reserve) for a hockey field in terms of a lease arrangement. The Provincial Department of Transport and Public Works has now requested that the subject property be transferred to them for educational purposes.

Having considered the request on 2018-08-08, Council resolved, inter alia, as follows:

- That the property be transferred to the Provincial Government of the Western Cape at no cost, seeing that no compensation was paid when the property was transferred to Stellenbosch Municipality by the Provincial Government (gratis transfer) and taking into account the community benefit, should the property be developed as envisaged, subject to certain conditions;
- That Council's intention to dispose of the property at no charge to the Provincial Government of the Western Cape for educational purposes, be advertised for public comment/inputs/objections.

Further Particulars:

Further particulars, including the agenda item that served before Council, are available at the office of the Manager, Property Management during office hours.

Invitation to submit written inputs

Any interested and affected party who wishes to submit comment/inputs/objections to the proposed transfer can do so by submitting it in writing to the Manager, Property Management on or before 25th October 2018.

Any such inputs/comments/objections can be submitted by hand, posted or by e-mail to:

Physical Address: 3rd Floor
 Abee (Oude Bloemhof) Building, Corner of Plein and Fynswald Street
 Stellenbosch
 7800

Postal address: PO Box 17

Stellenbosch

7800

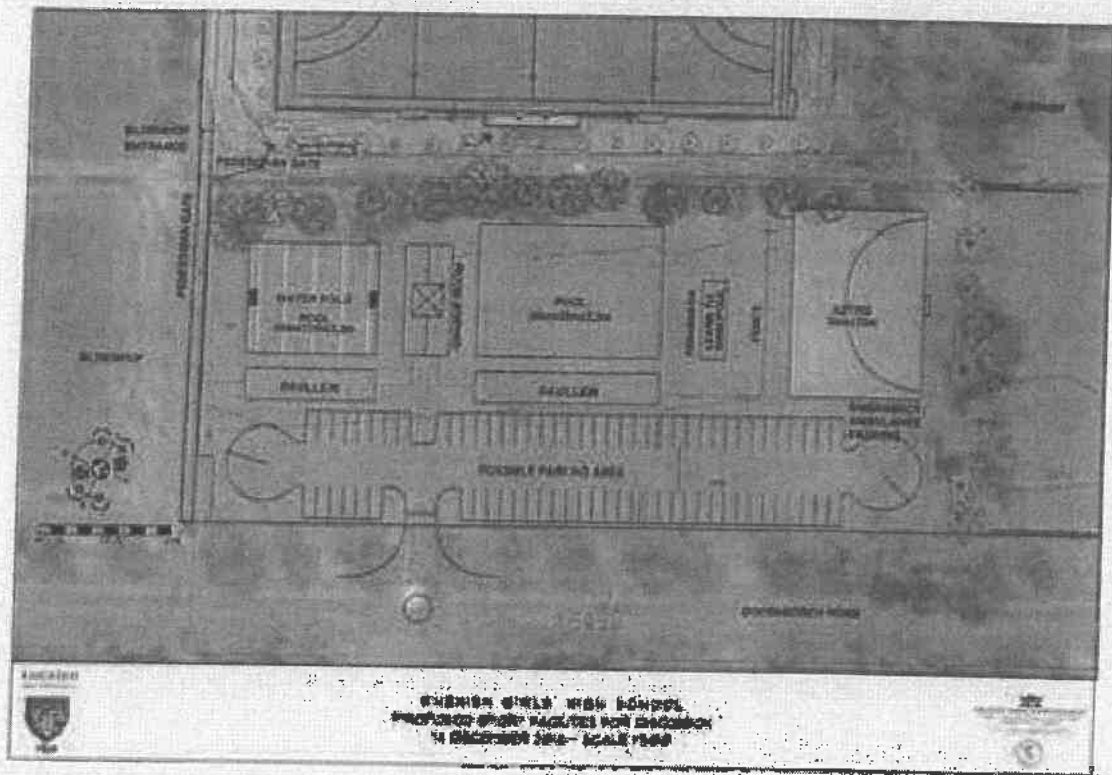
e-mail:

pm@msm.stellenbosch.gov.za

In terms of the provisions of Section 21(4) of the Municipal Systems Act, anyone who cannot read or write is welcome to contact the office of the Manager, Property Management for assistance.

G. METTLER
 MUNICIPAL MANAGER

APPENDIX 3



7.2.2	POSSIBLE DISPOSAL OF A PORTION OF PORTION 15 OF FARM 292 (NOW KNOWN AS ERF 16489), STELLENBOSCH
-------	--

Collaborator No:
IDP KPA Ref No:
Meeting Date:

Institutional Transformation
09 November 2018

1. SUBJECT: POSSIBLE DISPOSAL OF A PORTION OF PORTION 15 OF FARM 292 (NOW KNOWN AS ERF 16489), STELLENBOSCH

2. PURPOSE

To approve the transfer of portion 15 of Farm 292 (now known as erf 16489) to the Provincial Department of Education for educational purposes after the public participation process.

3. DELEGATED AUTHORITY

The Municipal Council must decide on the matter.

4. EXECUTIVE SUMMARY

On 2018-08-22 Council approved an in principle transfer of a portion of portion 15 of Farm 292, Stellenbosch to the Provincial Government of the Western Cape, for educational purposes, subject thereto that Council's intention so transfer be advertised for public comment/inputs/objections.

The notice was published on 27 September 2018 (attached hereto as APPENDIX 2).

No inputs/objections or counter proposals were received.

Following the public notice period, Council must now make a final determination.

22ND COUNCIL MEETING: 2018-11-28: ITEM 7.2.2

RESOLVED (majority vote with abstentions)

- (a) that it be noted that no comment/inputs/objections have been received following the public notice period; and
- (b) that Council resolves to dispose of a portion of portion 15 of Farm 292, Stellenbosch, measuring approximately 9080m² in extent to the Provincial Government of the Western Cape, at no cost to the Department subject to the following conditions:
 - (i) that the property only be used for educational purposes;
 - (ii) that the Provincial Government of the Western Cape be responsible for the subdivision and rezoning of the land to educational purposes, at their cost;
 - (iii) that the area as depicted on APPENDIX 3 as parking area, be developed as a public parking area;

- (iv) that, should the proposed development require any upgrading to existing bulk infrastructure, that such upgrading be for the account of the Provincial Government, at the then applicable tariffs;
- (v) that no potable water be used to fill or top-up any of the (to be constructed) swimming pools, and that the school must use its existing ground-water source for this purpose.

The following Councillors requested that their votes of dissent be minuted:

Cllrs F Adams; DA Hendrickse and LK Horsband (Ms).

FOR FURTHER DETAILS CONTACT:

NAME	<i>Piet Smit</i>
POSITION	<i>Manager: Property Management</i>
DIRECTORATE	<i>Corporate Services</i>
CONTACT NUMBERS	<i>021-8088189</i>
E-MAIL ADDRESS	<i>Piet.Smit@stellenbosch.gov.za</i>
REPORT DATE	<i>2018-10-31</i>

7.2.2	POSSIBLE DISPOSAL OF A PORTION OF PORTION 15 OF FARM 292 (NOW KNOWN AS ERF 16489), STELLENBOSCH
--------------	--

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Institutional Transformation

09 November 2018

1. SUBJECT: POSSIBLE DISPOSAL OF A PORTION OF PORTION 15 OF FARM 292 (NOW KNOWN AS ERF 16489), STELLENBOSCH

2. PURPOSE

To approve the transfer of portion 15 of Farm 292 (now known as erf 16489) to the Provincial Department of Education for educational purposes after the public participation process.

3. DELEGATED AUTHORITY

The Municipal Council must decide on the matter.

4. EXECUTIVE SUMMARY

On 2018-08-22 Council approved an in principle transfer of a portion of portion 15 of Farm 292, Stellenbosch to the Provincial Government of the Western Cape, for educational purposes, subject thereto that Council's intention so transfer be advertised for public comment/inputs/objections.

The notice was published on 27 September 2018 (attached hereto as APPENDIX 2).

No inputs/objections or counter proposals were received.

Following the public notice period, Council must now make a final determination.

5. RECOMMENDATIONS

- (a) that it be noted that no comment/inputs/objections have been received following the public notice period; and
- (b) that Council resolves to dispose of a portion of portion 15 of Farm 292, Stellenbosch, measuring approximately 9080m² in extent to the Provincial Government of the Western Cape, at no cost to the Department subject to the following conditions:
 - (i) that the property only be used for educational purposes;
 - (ii) that the Provincial Government of the Western Cape be responsible for the subdivision and rezoning of the land to educational purposes, at their cost;
 - (iii) that the area as depicted on APPENDIX 3 as parking area, be developed as a public parking area;
 - (iv) that, should the proposed development require any upgrading to existing bulk infrastructure, that such upgrading be for the account of the Provincial Government, at the then applicable tariffs;
 - (v) that no potable water be used to fill or top-up any of the (to be constructed) swimming pools, and that the school must use its existing ground-water source for this purpose.

6. DISCUSSION**6.1 Background**

On 2018-08-22 Council considered a report dealing with the possible disposal of a portion of portion 15 of Farm 292, Stellenbosch to the Provincial Government of the Western Cape for educational purposes. Having considered the report, Council resolved (a majority vote) as follows:

- (a) that the portion of Portion 15 of Farm 292, measuring approximately 9080m², as indicated as ABCD in Fig 3, be identified as land not needed for the provision of the minimum level of basic municipal services and to be surplus to the requirements of the Municipality, as required by regulation 20 (f) (i) of the Asset Transfer Regulations;*
- (b) that the property be transferred to the Provincial Government of the Western Cape at no cost, seeing that no compensation was paid (historical cost) when the property was transferred to Stellenbosch Municipality by the Provincial Government (vesting transfer) and taking into account the community benefit (gain) should the property be developed as envisaged, as provided for in regulation 20 (f) (ii) of the Asset Transfer Regulation, subject to the following conditions:*
 - (i) that the property only be used for educational purposes;*
 - (ii) that the Provincial Government of the Western Cape be responsible for the subdivision and rezoning of the land to educational purposes, at their cost;*
 - (iii) that the area as depicted on APPENDIX E as parking area, be developed as a public parking area;*
 - (iv) that, should the proposed development require any upgrading to existing bulk infrastructure, that such upgrading be for the account of the Provincial Government, at the then applicable tariffs;*
 - (v) that no potable water be used to fill or top-up any of the (to be constructed) swimming pools, and that the school must use its existing ground-water source for this purpose.*
- (c) that Council's intention to dispose of the property at no charge to the Provincial Government of the Western Cape for educational purposes, be advertised for public comment/inputs/objections; and*
- (d) that, any comments/inputs/objections be considered by Council before making a final decision".*

A copy of the agenda item that served before council is attached as **APPENDIX 1**.

6.2 Official notice calling for public inputs

Following the above Council resolution an Official Notice was published in the Eikestad News, soliciting public comment/inputs/objections by not later than 25th October 2018.

A copy of the Official Notice dated 27 September 2018 is attached as **APPENDIX 2**.

At the closing date no written inputs, comments or objections were received.

6.3 Financial implications

All costs for transfer, rezoning and any infrastructure changes will be for the account of the Western Cape Department of Education.

ANNEXURE G: OBJECTIONS



STELLENBOSCH MUNICIPALITY
STELLENBOSCH·PNIEL·FRANSCHHOEK

MEMORANDUM

DIREKTEUR: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

To • Aan:	Director: Planning + Economic Development
Att Aandag	Nicole Katts
From • Van:	Manager: Development (Infrastructure Services)
Author • Skrywer:	Tyrone King
Date • Datum:	19 Aug 2021
Our Ref • Ons Verw:	Civil LU 2160
Your Ref:	LU/12577
Re • Insake:	Erf 16489, Stellenbosch: Closure of a public place on Erf 16489 in order to be consolidated with Erf 16491 (Rhenish School sports field)

The application is not recommended for approval:

- 1. Civil Engineering Services**
 - 1.1 the Municipality needs to retain a 3.5m on each side of the boundary line that runs between the two schools to make provision for a future vehicular/pedestrian link between Doornbosch and Koch street, in order to improve traffic flows and relieve the congested traffic conditions in the area.



- 1.2 It is therefore requested that the subdivision diagram be amended to indicate the 3.5m future public road portion on Portion A.
- 1.3 This is the only issue that needs to be addressed before we can give approval from a civil engineering perspective.
- 1.4 Further conditions regarding the future acquisition of the rest of the strip required for the link road will be provided as land-use approval conditions when we give our final approval.

2. Electrical Engineering

2.1 We are still awaiting comments from Electrical Eng department.



Tyrone King Pr Tech Eng
MANAGER: DEVELOPMENT (INFRASTRUCTURE SERVICES)

W:\2.0 DEVELOPMENT\00 Developments\2160 (TK) 16489 Stellenbosch (LU-12577), Rhenish land swap (Doornbosch Street subdivision)\2160 (TK) 16489 Stellenbosch (LU-12577), Rhenish land swap.doc

Charlene Williams

From: Nicole Katts
Sent: 19 August 2021 04:03 PM
To: Charlene Williams; Tyrone King
Subject: FW: 2160 (TK) 16489 Stellenbosch (LU-12577), Rhenish land swop
Attachments: 2160 (TK) 16489 Stellenbosch (LU-12577), Rhenish land swop.pdf

STELLENBOSCH MUNICIPALITY
 PLANNING AND DEVELOPMENT SERVICES

20 AUG 2021

RECEIVED

Thank you Tyrone.



Kind regards / Vriendelike Groete

Nicole Katts

Administrative Officer

Land Use Management

Planning & Economic Development

T: +27 21 808 8318

43 Andringa Str, Eikestad Mall, 3rd
 Floor

www.stellenbosch.gov.za



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FILE NO.	
PLAN NO.	E 16489 S
GRID AND MAP SHEET:	712124

From: Tyrone King [mailto:Tyrone.King@stellenbosch.gov.za]

Sent: Thursday, 19 August 2021 15:50

To: Damien Burger <damien.burger@fbvsurvey.co.za>; Nicole Katts <Nicole.Katts@stellenbosch.gov.za>; Noorun-nisa Ras (Dev Admin) <Dev.Admin@stellenbosch.gov.za>; damien@fbvsurvey.co.za

Cc: Nigell Winter <Nigell.Winter@stellenbosch.gov.za>; Roscoe Bergstedt <Roscoe.Bergstedt@stellenbosch.gov.za>; Bradley Williams <Bradley.Williams@stellenbosch.gov.za>; Noorun-nisa Ras (Dev Admin)

<Dev.Admin@stellenbosch.gov.za>; Mark Benson <Mark.Benson@stellenbosch.gov.za>; Jeri-Lee Mowers <Jeri-Lee.Mowers@stellenbosch.gov.za>; Johan Fullard <Johan.Fullard@stellenbosch.gov.za>

Subject: 2160 (TK) 16489 Stellenbosch (LU-12577), Rhenish land swop

Hi Damien

Thanks for getting back to me.

I have discussed your e-mail below with the Manager: Traffic Engineering and Manager: Transport Planning. If the 3.5m portion of land is not retained by the Municipality, it will compromise our ability to create a road link that will ease the traffic congestion in that area. The subdivision proposal in its current format is therefore not desirable and we will therefore not be changing our original stance.

Nicole, attached is a formal Memo in response to the application.

202
The electrical department must also still provide comment from their side. Bradley/Mark will you please prioritise this application.

Regards



Tyrone King Pr Tech Eng
Manager: Development
Infrastructure Services

T: +27 21 808 8214 | F: +27 21 883 9874
133 Dorp Street
Stellenbosch, 7600
www.stellenbosch.gov.za



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From: Damien Burger <damien.burger@fbvsurvey.co.za>
Sent: Wednesday, 18 August 2021 11:11
To: Tyrone King <Tyrone.King@stellenbosch.gov.za>; Nicole Katts <Nicole.Katts@stellenbosch.gov.za>; Noorun-nisa Ras (Dev Admin) <Dev.Admin@stellenbosch.gov.za>; damien@fbvsurvey.co.za
Cc: Nigell Winter <Nigell.Winter@stellenbosch.gov.za>; Roscoe Bergstedt <Roscoe.Bergstedt@stellenbosch.gov.za>; Bradley Williams <Bradley.Williams@stellenbosch.gov.za>
Subject: [EX] RE: 2160: ERF 16489 STELLENBOSCH(LU/12577): APPLICATION FOR CLOSURE OF PUBLIC PLACE- DEPARTMENTAL COMMENTS - ENGINEERING SERVICES (COMMENTS BY E-MAIL)

Dear Tyrone

Rhenish School acting on behalf of the Department of Public Works are not comfortable on giving up a 3.5m strip without knowing what effect it may have on their existing infrastructure.

They have also pointed out that the current application is based on an agreed portion of land that was identified, advertised for disposal and finally approved by Council before the memorandum of agreement of Transfer was drawn up. The proposal to now amend Portion A would be in conflict with all of the above .

While they are not adverse to a possible link road they feel that this should be handled as a separate process and should not be dealt with as part of this application.

The issue of compensation was dealt with in the Official Notice for the disposal that confirmed that the land had originally belonged to the Provincial Government and no compensation was paid when Erf 16489 was originally transferred to the Municipality.

Bradley Williams has confirmed that he is still waiting for comment from electrical engineering that I understand should have been issued on or before the 4th June.

In light of the above would the Engineering Dept now be in a position to give their approval/comment

Regards

Damien Burger

FRIEDLAENDER, BURGER & VOLKMANN

Find us: <https://goo.gl/maps/JhVno5PrXw4qmNr5>

Professional Land Surveyors • Sectional Title Consultants • Mapping Consultants

Professionele Landmeters • Deeltitel Konsultante • Kartering Konsultante

House 4 Patrysvlei Estate – Libertas Farm • TEL: 021 8864004, FAX 021 8878088 • PO Box / Posbus 154, Stellenbosch, 7599 • E-mail: damiel@fbvsurvey.co.za

Please note that this message is intended for specific recipients and its content is private and confidential. If you are not the intended recipient please return the message and then delete it.

From: Tyrone King [mailto:Tyrone.King@stellenbosch.gov.za]

Sent: Monday, August 16, 2021 4:28 PM

To: Nicole Katts; Noorun-nisa Ras (Dev Admin); damiel@fbvsurvey.co.za

Cc: Nigell Winter; Roscoe Bergstedt; Noorun-nisa Ras (Dev Admin); Bradley Williams

Subject: RE: 2160: ERF 16489 STELLENBOSCH(LU/12577): APPLICATION FOR CLOSURE OF PUBLIC PLACE- DEPARTMENTAL COMMENTS - ENGINEERING SERVICES (COMMENTS BY E-MAIL)

Good Day Nicole and Damien

I am still awaiting feedback from electrical engineering, Bradley Williams. Damien – you can follow up with him on x8336 / 082 352 5917.

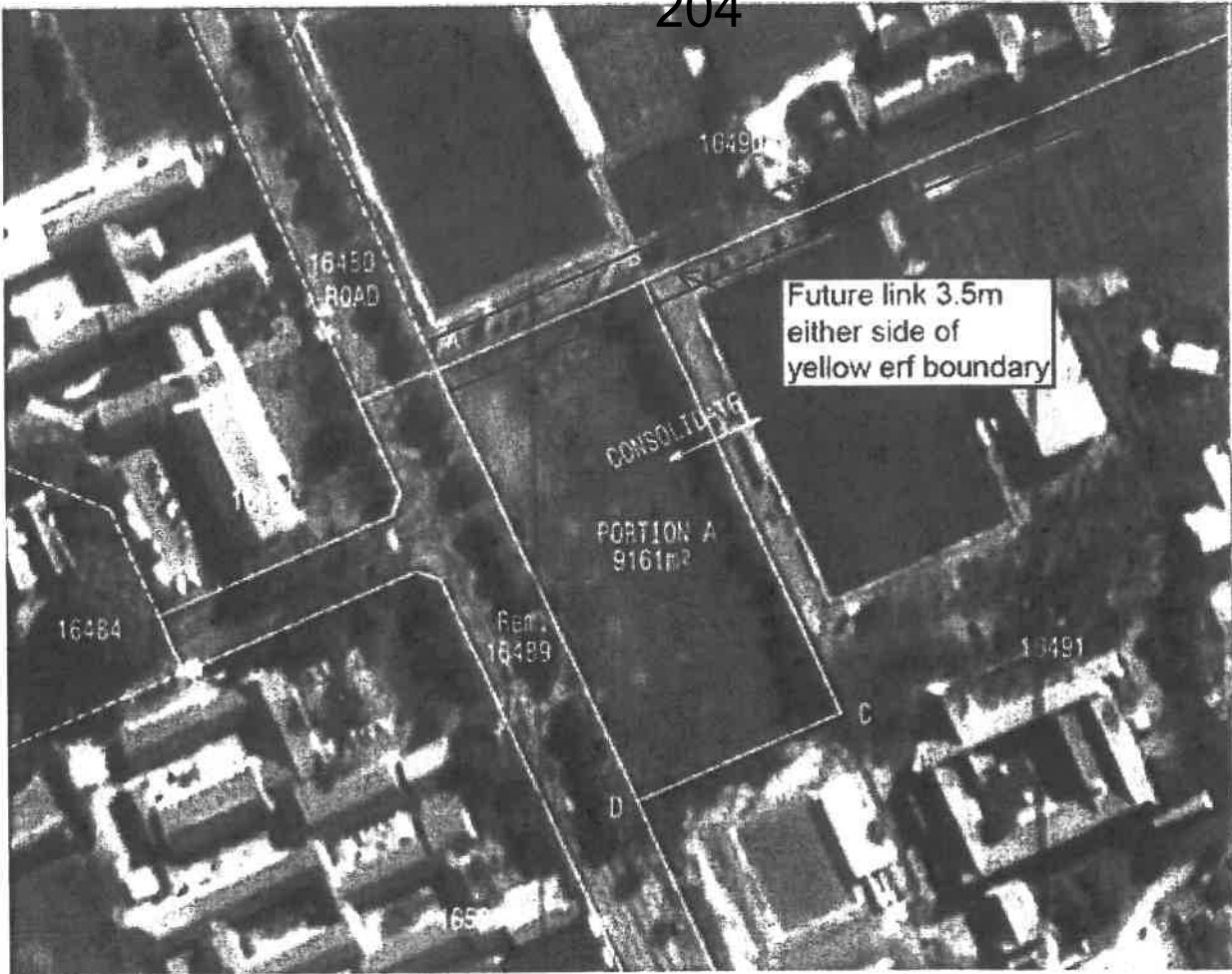
Civil engineering has the following comment:

As per my and Roscoe Bergstedt's discussion with Damien Burger, the Municipality would like to retain a 3.5m on each side of the boundary line that runs between the two schools to make provision for a future vehicular/pedestrian link between Doornbosch and Koch street.

It is therefore requested that the subdivision diagram be amended to indicate the 3.5m future road portion on Portion A.

This is the only issue that needs to be addressed before we can give approval.

Further conditions regarding the future acquisition of the rest of the strip required for the link road will be provided as land-use approval conditions when we give our final approval.



Regards



Tyrone King Pr Tech Eng
 Manager: Development
 Infrastructure Services

T: +27 21 808 8214 | F: +27 21 883 9874
 133 Dorp Street
 Stellenbosch, 7600
www.stellenbosch.gov.za



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ANNEXURE H: APPLICANTS COMMENTS ON OBJECTIONS

Objection/Comment	Response
<p>ELECTRICAL DEPARTMENT</p> <ul style="list-style-type: none"> • <i>all electrical infrastructure will have to be repositioned ,moved outside the erf boundary into the road reserve ,the repositioning of the cable will be for the developers account and only Stellenbosch Municipality approved contractors must be used in the execution of the works.</i> • <i>The applicant needs to discuss the application with the manager electrical service the way forward and if any cost is involve moving existing services on property.</i> • <i>Appropriate caution shall be taken during construction, to prevent damage to existing service cables and electrical equipment in the vicinity, should damage occur, the applicant will be liable for the cost involved for repairing damages.</i> • <i>24-hour access to the location of the substation, cables, metering panel and main distribution board is required by Technical Services.</i> 	<p>It is proposed that servitudes be created to cover the route of all identified cables routes that need to be preserved over Portion A</p>

Objection/Comment	Response
<p>DIRECTORATE INFRASTRUCTURE SERVICES</p> <p><i>The application is not recommended for approval:</i></p> <p>1. Civil Engineering Services</p> <p>1.1 <i>the Municipality needs to retain a 3.5m on each side of the boundary line that runs between the two schools to make provision for a future vehicular/pedestrian link between Doornbosch and Koch street, in order to improve traffic flows and relieve the congested traffic conditions in the area.</i></p> <p>1.2 <i>It is therefore requested that the subdivision diagram be amended to indicate the 3.5m future public road portion on Portion A.</i></p> <p>1.3 <i>This is the only issue that needs to be addressed before we can give approval from a civil engineering perspective.</i></p> <p>1.4 <i>Further conditions regarding the future acquisition of the rest of the strip required for traffic conditions the link road will be provided as land-use approval conditions when we give our final approval.</i></p>	<p>Note is taken of the Department's comment. There is however a Council Decision to alienate the land and a Memorandum of Agreement has already been signed that identified the extent of the property that needs to be subdivided.</p> <p>It is proposed that the requirements for a future link road be dealt with as a separate application once the position and full requirements have been established. This application is to action the requirements of the Memorandum of Agreement and the agreed to portion of land to be alienated.</p>
	<ul style="list-style-type: none"> • .

<i>Objection/Comment</i>	Response

**ANNEXURE I: COMMENT FROM THE MANAGER: SPATIAL
PLANNING**



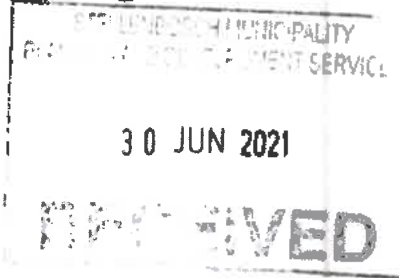
STELLENBOSCH

STELLENBOSCH • PNIEU • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Spatial Planning

To : Manager: Land Use Management
From : Manager: Spatial Planning
Reference : Erf 16489, Stellenbosch
LU No : LU/12577
Date : 21 June 2021
Re : Application for closure of a public place on Erf 16489 in order to be consolidated with Erf 16491, Doornbosch Road, Stellenbosch



I refer to your request for comment on the above application.

Application is made for the following:

- Closure of a public place on Erf 16489 in order to be consolidated with Erf 16491, Doornbosch Road, Stellenbosch.

1) Opinion/reasoning:

The new approved Municipal Spatial Development Framework for the WC024 area was approved by Council in November 2019 and recognises that the spatial decisions and actions of many make what settlements are.

In terms of this approved document, seven principles need to be considered:

1. Maintain and grow the assets of Stellenbosch Municipality's natural environment and farming areas;
2. Respect and grow cultural heritage;
3. Direct growth to areas of lesser natural and cultural significance as well as movement opportunity;
4. Clarify and respect the different roles and potentials of existing settlements;
5. Clarify and respect the roles and functions of different elements of movement structure;
6. Ensure balanced, sustainable communities;
7. Focus collective energy on a few catalytic lead projects.

With the enactment of the Spatial Planning and Land Use Management Act 16 of 2013 (SPLUMA), a new planning regime was introduced in South Africa. It replaced disparate apartheid era laws with a coherent legislative system as the foundation for all spatial planning and land use management activities in South Africa. It seeks to promote consistency and uniformity in procedures and decision-making. Other objectives include addressing historical spatial imbalances and the integration of the

principles of sustainable development into land use and planning regulatory tools and legislative instruments.

Chapter 2 of SPLUMA sets out the development principles that must guide the preparation, adoption and implementation of any SDF, policy or by-law concerning spatial planning and the development or use of land. These principles are the following:

- Spatial Justice
- Spatial Efficiency
- Spatial Sustainability
- Spatial Resilience
- Good Administration

In terms of the approved MSDF for Stellenbosch Municipality, the subject property is located inside the approved urban edge of the Stellenbosch node. In terms of the approved MSDF the following guidelines are applicable to this specific application:

- Infill development and densification is encouraged in terms of the approved Municipal Spatial Development Framework (MSDF)
- The development of future developments must be contained within the existing urban areas to promote compact towns in close proximity to existing services.

2) Supported / not supported:

The portion of the road proposed to be closed is currently used as a sports field and zoned Education Zone. It has been part of the Rhenish High School grounds since the school moved in 1958 and is currently still being utilized as a sports field

This department therefore supports the proposed development.



BJG de la Bat
MANAGER: SPATIAL PLANNING

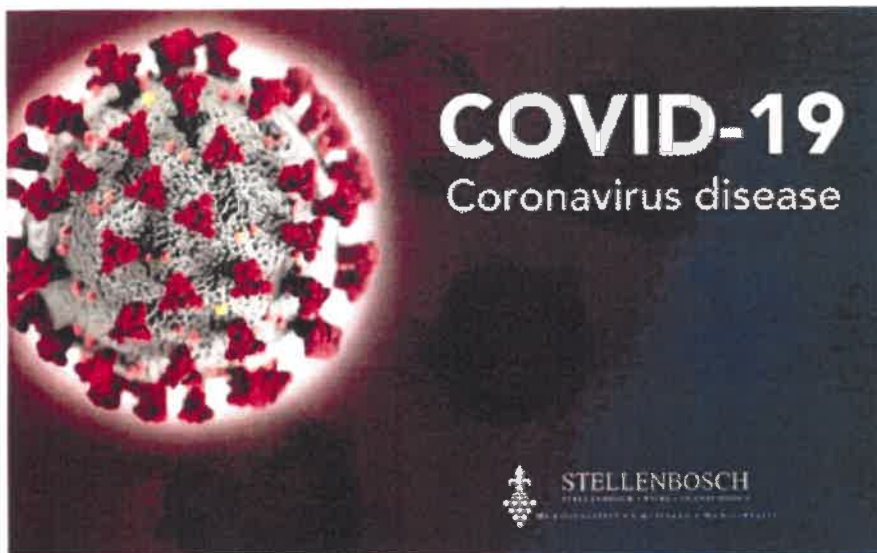
ANNEXURE J: THE MANAGER: PROPERTY MANAGEMENT

Damien Burger

From: Piet Smit <Piet.Smit@stellenbosch.gov.za> on behalf of Piet Smit
Sent: Wednesday, June 9, 2021 3:27 PM
To: 'Damien Burger'
Subject: RE: [EX] NOTICE OF LAND DEVELOPMENT APPLICATION : CLOSURE OF PART OF PUBLIC PLACE ON ERF 16489 STELLENBOSCH

The application is in line with a council resolution,so I have no objection/inputs.

Piet



Visit the dedicated COVID-19 page on our municipal website for information on this disease
<https://www.stellenbosch.gov.za/documents/general>

For official COVID-19 advice, updates and queries

- National Hotline 0800 029 999
- Provincial Hotline 021 9284102
- WhatsApp 0600 123 456

Stay alert, stay updated and stay safe



About Stellenbosch Municipality

Our mission is to deliver cost effective services that will provide the most enabling environment for civil and corporate citizens.

www.stellenbosch.gov.za

piet.smit@stellenbosch.gov.za
damien.burger@fbvsurvey.co.za

damien.burger@fbvsurvey.co.za

[IOCO](#)

From: Damien Burger <damien.burger@fbvsurvey.co.za>
Sent: Wednesday, 09 June 2021 15:20

**ANNEXURE K: COMMENT FROM THE MANAGER:
DEVELOPMENT, INFRASTRUCTURE SERVICES**



STELLENBOSCH MUNICIPALITY
STELLENBOSCH·PNIEL·FRANSCHHOEK

MEMORANDUM

DIREKTEUR: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

To ◦ Aan:	Director: Planning + Economic Development
Att Aandag	Nicole Katts
From ◦ Van:	Manager: Development (Infrastructure Services)
Author ◦ Skrywer:	Tyrone King
Date ◦ Datum:	19 Aug 2021
Our Ref ◦ Ons Verw:	Civil LU 2160
Your Ref:	LU/12577
Re ◦ Insake:	Erf 16489, Stellenbosch: Closure of a public place on Erf 16489 in order to be consolidated with Erf 16491 (Rhenish School sports field)

The application is not recommended for approval:

1. Civil Engineering Services

- 1.1 the Municipality needs to retain a 3.5m on each side of the boundary line that runs between the two schools to make provision for a future vehicular/pedestrian link between Doombosch and Koch street, in order to improve traffic flows and relieve the congested traffic conditions in the area.



- 1.2 It is therefore requested that the subdivision diagram be amended to indicate the 3.5m future public road portion on Portion A.
- 1.3 This is the only issue that needs to be addressed before we can give approval from a civil engineering perspective.
- 1.4 Further conditions regarding the future acquisition of the rest of the strip required for the link road will be provided as land-use approval conditions when we give our final approval.

2. Electrical Engineering

2.1 We are still awaiting comments from Electrical Eng department.



Tyrone King Pr Tech Eng

MANAGER: DEVELOPMENT (INFRASTRUCTURE SERVICES)

W:\2.0 DEVELOPMENT\00 Developments\2160 (TK) 16489 Stellenbosch (LU-12577), Rhenish land swop (Doombosch Street subdivision)\2160 (TK) 16489 Stellenbosch (LU-12577), Rhenish land swop.doc

Damien Burger

From: Mark Benson <Mark.Benson@stellenbosch.gov.za> on behalf of Mark Benson
Sent: Friday, August 20, 2021 10:39 AM
To: Tyrone King; Damien Burger; Nicole Katts; Noorun-nisa Ras (Dev Admin);
damien@fbvsurvey.co.za
Cc: Nigell Winter; Roscoe Bergstedt; Bradley Williams; Noorun-nisa Ras (Dev Admin);
Jeri-Lee Mowers; Johan Fullard; Lourens De Lange; Bernine Kwago
Subject: RE: 2160 (TK) 16469 Stellenbosch (LU-12577), Rhenish land swop

Hi Tyrone

It was brought to my attention and it is my understanding that there are medium voltage electrical cables running across the property in question.

It is important to note that a condition must be that all electrical infrastructure will have to be repositioned ,moved outside the erf boundary into the road reserve ,the repositioning of the cable will be for the developers account and only Stellenbosch Municipality approved contractors must be used in the execution of the works.

Bradley the other standard Electrical conditions/comments are still applicable.

Kind Regards

**Mark Benson**

Manager - Planning, Design,
Construction & Services
Infrastructure Services Directorate
Electrical Services Section

T: +27 21 808 8770
Ecclesia Building, 2nd floor
71 Plein Street, Stellenbosch, 7600
www.stellenbosch.gov.za



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Damien Burger

From: Bradley Williams <Bradley.Williams@stellenbosch.gov.za> on behalf of Bradley Williams
Sent: Wednesday, August 25, 2021 4:33 PM
To: 'Damien Burger'
Cc: Mark Benson; Nicole Katts; Jeri-Lee Mowers; Johan Fullard; Bernine Kwago; Lourens De Lange; Tyrone King; Nombulelo Zwane
Subject: RE: [EX] RE: 2160 (TK) 16489 Stellenbosch (LU-12577), Rhenish land swap

Hi Damien

The standard electrical notes when it comes to land swap.

- The applicant need to discuss the application with the manager electrical service the way forward and if any cost is involve moving existing services on property.
- Appropriate caution shall be taken during construction, to prevent damage to existing service cables and electrical equipment in the vicinity, should damage occur, the applicant will be liable for the cost involved for repairing damages.
- 24-hour access to the location of the substation, cables, metering panel and main distribution board is required by Technical Services.



BRADLEY WILLIAMS
Technician
Asset management
Infrastructure Services
Planning and Development Services

T: +27 21 808 8336
0823525917

71 Plein Street, Stellenbosch, 7600
www.stellenbosch.gov.za



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Damien Burger

From: Mark Benson <Mark.Benson@stellenbosch.gov.za> on behalf of Mark Benson
Sent: Thursday, August 26, 2021 8:32 AM
To: Bradley Williams; 'Damien Burger'
Cc: Nicole Katts; Jeri-Lee Mowers; Johan Fullard; Bernine Kwago; Lourens De Lange; Tyrone King; Nombulelo Zwane
Subject: RE: [EX] RE: 2160 (TK) 16489 Stellenbosch (LU-12577), Rhenish land swop

Hi Bradley

Can you furnish us with a drawing detailing the MV cable and other electrical infrastructure positions so that we could investigate the possibility of registering a servitude over the property as suggested by Damien Burger

Kind Regards

**Mark Benson**

Manager : Planning, Design,
Construction & Services
Infrastructure Services Directorate
Electrical Services Section

T: +27 21 808 8770 |
Ecclesia Building, 2nd floor
71 Plein Street, Stellenbosch, 7600
www.stellenbosch.gov.za



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**ANNEXURE L: COMMENT FROM THE WESTERN CAPE
GOVERNMENT: DEPARTMENT OF TRANSPORT &
PUBLIC WORKS: ROADS**



Western Cape
Government

Transport and Public Works

Samkele Sikweza
Acquisition Officer – Property Management
Email: Samkele.Sikweza@westerncape.gov.za
Tel: +27 21 483 3137 fax: +27 21 483 7652

REFERENCE: LU/12577

9 Dorp Street,
Cape Town
8000.
Private Bag X9160
Cape Town
8001

For Attention: Friedlander Burger and Volkmann

Application for the closure of part of Doornbosch Road in terms of Section 15(2)(n) of the Stellenbosch Planning By-Law, August 2015 (public place situated on Erf 16489) in order to be consolidated with Erf 16491 as part of the existing sports field.

The Department of Transport and Public Works (DTPW), on behalf of the Western Cape Education Department (WCED) supports the above-mentioned application and have no objections.

Kind Regards

Edwin Bath

Mr Edwin Bath

Deputy Director: Property Acquisitions

Date: 21 June 2021

ANNEXURE M: SITE INSPECTION PHOTOS



View from Doornbosch street



View from Kosch street



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

THE STELLENBOSCH MUNICIPALITY

PLANNING REPORT: LAND USE AND LAND DEVELOPMENT APPLICATION: APPLICATION FOR REZONING AND PARTIAL CLOSURE OF A PUBLIC PLACE AND A TEMPORARY DEPARTURE ON ERF 2751, STELLENBOSCH.

Application Reference	File Ref: 2751 (LU/10301)	Application Date	2019/09/06
		Last day for comments or additional information	2021/10/04

PART A: APPLICANT DETAILS

First name(s) & Surname	Martin Jonker		
Company name	Plan 4 SA (Pty) Ltd		
SACPLAN registration number	Pr. Pln A/1090/1999		
Registered owner(s)	Stellenbosch Municipality	Is the applicant properly authorised to submit the application	Yes

PART B: PROPERTY DETAILS

Property description	Erf 2751	Town/City	Stellenbosch
Physical address	Corner of Pastorie Street and Die Laan. See ANNEXURE A for locality map.		
Extent (m ² /ha)	10 550m ²	Current zoning	Public Open Space (In terms of the old Stellenbosch Zoning Scheme Regulations 1996)
Existing Development and Current land use	Erf 2751 is currently occupied by an open park and 2 lease areas registered over the property. Lease Area 1 is used for parking and Lease Area 2 has two buildings on it which is currently leased out and used for office, restaurant and shop purposes.		
Any unauthorised land use/building work	No land use contravention notice is filed.		
Title Deed No.	STFH8-3/1908. See ANNEXURE C for attachments to motivational report.		

PART C: APPLICATION DETAILS	
Application(s)	<p>a) Application is made in terms of Section 15(2)(n) of the Stellenbosch Municipality Land Use Planning By-Law, 2015 for the closure of a public place in order to close a part of the Public Open Space being Lease Area 1 (1020m²) and Lease Area 2 (1517m²) over Erf 2751, Stellenbosch.</p> <p>b) Application is made in terms of Section 15(2)(a) of the Stellenbosch Municipality Land Use Planning By-Law, 2015 for rezoning of Lease Area 1 (1020m²) over Erf 2751, Stellenbosch from Public Open Space to Local Authority (Public Parking Area) in order to accommodate a public parking area.</p> <p>c) Application is made in terms of Section 15(2)(a) of the Stellenbosch Municipality Land Use Planning By-Law, 2015 to rezone Lease Area 2 (1517m²) over Erf 2751, Stellenbosch from Public Open Space to General Business.</p> <p>d) Application is made in terms of Section 15(2)(i) of the Stellenbosch Municipality Land Use Planning By-Law, 2015 for a permission required in terms of a condition of approval in order to extend the validity of a temporary departure previously approved on 16 September 2016, in order to use Erf 2751, Stellenbosch and a portion of the road known as "Die Laan" for a one-day event (Heritage festival) on 24 September for five years (2020 - 2025). See ANNEXURE B.</p>
Purpose of Application	<p>The Stellenbosch Municipal Council resolved on 29 March 2017 that approval be granted for the establishment of Local Economic Development (LED) Hubs on several municipal properties in the Stellenbosch Municipal area.</p> <p>Erf 2751, Stellenbosch form part of this group of erven. The applicant now wishes to obtain the applicable land use rights to use the subject property zoned Public Open Space Zone as a Local Economic Development (LED) Hub.</p>
Pre-consultation	No pre-application consultation process was conducted at the time of submission.

PART D: APPLICATION BACKGROUND

Stellenbosch Municipality owns various properties, many of which are underutilised or not optimally utilised and/or lying dormant. As part of its strategy for inclusive economic growth, one of the key

objectives identified by the municipality is to 'make it easier' for small enterprises to succeed in the competitive markets.

The Stellenbosch Municipality Council, at its meeting of 29 March 2017, granted approval for the establishment of LED Hubs on several municipal owned properties including Erf 2751, Stellenbosch also known as the "Landbousaal". A call for proposals for the lease of the LED Hubs were subsequently advertised. A total of six applicants submitted proposals to lease the facilities on Erf 2751, Stellenbosch.

At its meeting of 25 July 2018, Council adopted a resolution to award the rights to the Landbousaal to a successful bidder subject to a condition that an ongoing legal dispute must be settled. The legal dispute has since been settled, which open a new proposal for the rezoning of the subject property to be use for business related activities.

The property is currently zoned Public Open Space and the existence of the Landbousaal is a contravention of the Zoning Scheme Bylaw. Since the property is not correctly zoned for its current use, rezoning will have to occur whether the *status quo* is retained or not. Hence this application.

There are presently two lease areas registered over the property. Lease Area 1 is leased for paid public parking which is not developed and Lease Area 2 having two buildings on it which is currently leased and used for office and shop purposes. The rest of the property is used as a public open space.

The Eerste River flows along the southern boundary of the property and considering that the buildings to be used for business purposes exist, no authorization is required from the National Environmental Management Act 107 of 1998 (NEMA).

See **ANNEXURE B** for the existing land use and zoning plans.

PART E: APPLICATION OVERVIEW AND MOTIVATION

The application was submitted in August 2019, when the old Stellenbosch Zoning Regulations 1996 was still in operation and all evaluations is based on the old zoning scheme regulations and requirements.

In this application four proposals were advertised for the use of this property;

- i. An application for a closure of a public place in order to close a portion of the Public Open Space being Lease Area 1 (1020m²) and Lease Area 2 (1517m²) over Erf 2751, Stellenbosch.

- ii. Subsequently, applications are made to rezone Lease Area 1 from Public Open Space to Local Authority in order to accommodate a public parking area;
- iii. To rezone Lease Area 2 from Public Open Space to General Business;
- iv. An application is made to extend the validity for a temporary departure in order to use Erf 2751, Stellenbosch and a portion of the road known as "Die Laan" for a one-day event (Heritage festival) on 24 September for five years 2020-2025.

The applicant's motivational report is attached as **ANNEXURE C**.

PART F: PUBLIC PARTICIPATION, COMMENTS AND RESPONSE

Process followed

The applicant was instructed to advertise on 25 August 2020. The application was advertised in the *Eikestadnuus* and notices served on all interested and affected parties on 10/09/2020 until 12/10/2020 and an onsite notice placed on 09/09/2020. No objections were received during this advertising process.

The department also advertised to all internal municipal departments and ward councillor on 13 September 2020 and no objections were received.

The applicant on 17 November 2020 submitted a Portfolio of Evidence (POE) informing the municipality that the application has been advertised to the subject neighbouring property owners, interested and affected parties and no objections were received.

The advertising process was deemed sufficient. See **ANNEXURE D** for the portfolio of evidence.

Public & stakeholder inputs

As mentioned, no objections were received from any interested and affected parties.

Comments from internal service departments and municipal authorities

- (i) **Manager: Spatial Planning** – recommended the applications for approval subject to certain conditions. See **ANNEXURE E**
- (ii) **Cape Winelands Health Department** – no objection, subject to certain conditions. See **ANNEXURE G**. Please note that the commenting letters heading, incorrectly refers to an application for a temporary departure.

- (iii) **Directorate: Infrastructure Services comments (Civil, Traffic and Electrical Engineering combined comment)** – No objection subject to certain conditions. The entrance/exit indicated on Plan 3 within 5.5m of the Pastorie Street and Die Laan intersection must be closed, only the entrance/exit indicated at 21.5m from the Pastorie Street and Die Laan intersection is accepted, and a vehicle circulation plan must be present to access parking bays P1-P15. See **ANNEXURE F**.

Response by applicant to comments received.

No objections were received against the application and therefore no response is required in this regard.

The conditions laid down by the Stellenbosch Municipal's Traffic Engineering Manager is acceptable and will be implemented by the relevant Municipal Department responsible for the implementation of this project.

PART G: ASSESSMENT OF LAND USE AND LAND DEVELOPMENT APPLICATION

1. Legislative and Policy Context of land use and land development application

When the decision maker considers the land use and land development application, it must have regard to the general criteria for consideration in terms of Section 65(1) of the Land Use Planning By-law, as it would relate to the subject land use and land development applications.

It is also noted that the subject land use and land development applications were submitted and processed in accordance with and in compliance with the prescripts of the said Bylaw.

2. Assessment of grounds of the land use and land development application

2.1 Land use principles

The Municipality identified 5 strategic focus areas, one of it being "Valley of Possibility". Under this strategic focus area there are 4 predetermined objectives of which the first objective is to "Create an environment conducive to business development and job creation". There are furthermore three 5-year programmes identified to achieve the aforementioned objective of which the second programme is "develop Local Economic Development Hubs".

This proposed and intended business and tourist related uses within an urban edge, in close proximity to the Stellenbosch CBD promotes the principles of this strategic focus area.

Although the property is surrounded by University and residential uses, the property is close to the Central Business District and the residential properties are not primarily use for residential purposes, but also provided tourist accommodation. Which the intended uses envisage to provide a service for. This conforms to the MSDP principle of Optimal Land Use, where land should be used for its most sustainable and appropriate use.

2.2 Applicable spatial development frameworks, guidelines, policies

The Municipality's IDP dated May 2019 identified various projects and priorities for all its Wards. It also highlights the policies and strategies of the different sector plans.

The IDP provides the following stipulations on LED Hubs: *"Establish local economic development hubs and allow for the outsourcing of the management of the Hubs to improve efficiency and to strengthen local business opportunities. These hubs will provide entrepreneurs, start-up businesses or growth-orientated SMME's access to appropriate rental space, affordable businesses services, flexible leases and access to the mainstream economic activities, where better market access could improve their success ratios."*

The Stellenbosch Municipality Council granted approval for the establishment of a LED Hub on Erf 2751, Stellenbosch also known as "Die Landbousaal".

In terms of the Municipal Spatial Development Framework, one strategic perspective stands out in support of this application namely: **Inclusive economic growth**, which is to provide SMMEs with access to well-located parts of the CBDs for retail, service provision and manufacturing. The site is located within the centre of Stellenbosch on the periphery of the CBD which can provide access to business support for SMMEs as it is well-located on existing transport routes and a public parking area.

The proposed rezoning is therefore consistent with the broad proposals of the Stellenbosch Municipal Spatial Development Framework, complies with the land use planning principles and other policies of this Municipality.

The proposal was also supported by the Municipal Spatial Planning Section in a comprehensive comment, given a historical overview of the subject property, subject to certain conditions. See **ANNEXURE E**.

2.3 Service infrastructure capacity and sustainability

As mentioned the application was circulated to the municipal engineering department. The internal Civil engineering section did not object to the application. The traffic engineering section requires closures of access point and the submission of a parking layout plan. The electrical department indicated that appropriate cautions be taken when any construction occurs. See **ANNEXURE F**.

All existing services will be used or upgraded to the satisfaction of the applicable departments. It will be the responsibility of the owners to obtain the approval or comply with any other law or regulation from external departments.

2.4 Any investigations carried out in terms of other laws that are relevant (e.g. EIA, TIA, HIA etc.)

None required for this application as we are dealing with existing buildings and no new structures are proposed by this application. Should any alterations be required, all relevant legislation must be taken into consideration and subject applications be submitted where required at the time.

2.5 Applicable provisions of the zoning scheme

Lease hold area 2 contains the existing buildings of $\pm 413\text{m}^2$ which requires $16.52 = 17$ parking bays at a ratio of 4 parking bays per 100m^2 . In Lease Area 1, 23 parking bays are provided in the plan supplied, which is sufficient for the existing buildings on site. The lease of the property for public parking purposes could therefore be proceeded with on condition that the required parking bays for the business activities on Lease Area 1 at all-time be provided for in the submission of the revised parking layout plan for approval on Lease Area 2 by the traffic engineering department.

A revised parking layout plan must therefore satisfactorily address the concerns of the municipal traffic engineering section. Which includes the entrance/exit indicated on Plan 3 within 5.5m of the Pastorie Street and Die Laan intersection must be closed, only the entrance/exit indicated at 21.5m from the Pastorie Street and Die Laan intersection is accepted, and a vehicle circulation plan must be present to access parking bays P1-P15 and the required parking bays for Lease Area 2 must be provided on Lease Area 1. These requirements must be addressed before submission of final building plan for approval and should be imposed as conditions of approval. See **ANNEXURE F**.

2.6 General desirability

As mentioned before, a rezoning of the property is required because of the current utilization of the Landbousaal for business activities, which is in contravention of the Zoning Scheme.

The rezoning to general business and authority zone for public parking and closure of a public place:

"public parking area" means a municipal site which does not fall within the boundaries of a street and which is reserved for the benefit of the general public exclusively for the parking of vehicles"

Through this rezoning the unauthorised use of a public open space for business and public parking purposes will be regularized. It is not envisaged that the "landboussaal" activities will have a negatively impacted on the surrounding properties, as no objections were raised against the application.

As mentioned previously, the site is located on the periphery of the CBD and thus a General Business zoning fits in with the area and the previously mentioned goals of the IDP and MSDF. The site is also located in close proximity and in an area with existing and well-established transport routes. The required on-site parking can be provided, on condition that a revised parking layout plan to the satisfaction of the traffic engineering section be submitted. It is therefore not envisaged that this proposal, would negatively affect the character of the area and surrounding properties. The aesthetic appearance of the property and surrounding area will not be altered, considering that existing buildings will be used and no alterations or extensions are proposed.

The intend of this application is primarily for the establishment of a Local Economic Development (LED) Hub to accommodate a shop (for a restaurant and other tourist craft and art shops including making of craft items) and offices that provide entrepreneurs, start-up businesses or growth-orientated SMME's access to appropriate rental space, affordable business services, flexible leases and access to the mainstream economic activities, where better market access could improve their success ratio.

Applicable definitions;

"Restaurant" means a shop in which mainly prepared food and refreshments are sold and served to five or more seated patrons.

"Shop" means a site or building, or portion of a site or building utilised or intended to be utilised for the operation of a retail business, and includes a workshop on the same premises which is connected with and incidental and subordinate to the retail business, but does not include a service or filling station, liquor store, pub/tavern, motor showroom and public garage.

"Office building" means a building containing offices for administrative or commercial purpose, including a bank, stock exchange or similar undertaking, but excluding a gathering place, institution, shop, filling or service station, public garage, factory or any industrial building.

As mentioned the intend of LED hubs is to provide entrepreneurs, start-up businesses and SMME's access to appropriate rental space and affordable flexible leases to access the mainstream economic activities, but the activities must however compliment surrounding land uses and not become a nuisance. The activities must subsequently be restricted to the existing or similar land uses, which includes a restaurant, tourist craft and art shop, space for the manufacturing and teaching of craft making skills, office space relating to tourist related activities, e.g. for the renting of bicycles, etc. All linked to the intended LED Hub activities.

The proposal is consistent with the planning principles of Spatial Justice, Spatial Sustainability, Efficiency, Spatial Resilience and Good administration; deemed desirable on its proposed location and recommended for approval from a Land Use Management perspective subject to certain conditions.

Extension of Validity of a temporary departure:

Section 18(1)(b) of the Stellenbosch Municipal Land Use Planning Bylaw (2015) stipulates that an applicant may apply to the Municipality in terms of section 15(2)(b) to utilize land on a temporary basis for a purpose not permitted in terms of the primary rights of the zoning applicable to the land for a period not exceeding five years. See **ANNEXURE H** for the previous approval.

Section 18(3) & (4) of the said bylaw however stipulates that;

- 3) The Municipality may approve a departure contemplated in subsection (1)(b) for a period shorter than five years **but**, if a shorter period is approved, **the period together with any extension approved in accordance with section 67 may not exceed five years;**
- 4) **A temporary departure** contemplated in subsection (1)(b) **may not be approved more than once in respect of a particular use on a specific land unit.**

The application for an extension of the validity period for a temporary departure which was approved in 2016, when the subject (2015) bylaw was in place, could therefore not be supported. Reasoning being that the temporary departure could not be approved more than once for the same use as previously approved.

The purpose of the temporary departure is to host the Heritage Festival every year on 24 September once off, in a portion of the Die Laan (public street) and a portion of Erf 2571, Stellenbosch.

The zonings of General Business and Authority Use will convert to appropriate zonings in terms of the new Zoning Scheme Bylaw (2019), which zonings makes provision for an occasional use (one

event/year) as a primary right subject to certain provision. Should the primary provisions be exceeded a new application for consent use could also be applied for.

It is therefore recommended that the application for the extension of a validity period be refused, considering that a temporary departure in terms of Section 18(3) & (4) of the Stellenbosch Municipal Land Use Planning By-law (2015) may not be approved more than once in respect of a particular use on a specific land unit. As in this case with regard to the yearly Heritage Festival.

2.7 Assessment of comments on application

All recommendation and condition were accepted by the applicant and no additional comments was submitted.

The Spatial Planning Section made a comment to restrict the operating hours of the application to normal office hours. Consider the close proximity of specifically the intended restaurant to a residential area with ancillary guest accommodation facilities, the condition is supported for a timeframe from 08h00 to 19h00.

PART H: SUMMARY OF KEY FINDINGS OF ASSESSMENT

The proposals are in keeping with the relevant prescriptions, policies and guidelines of the municipality and relevant departments. All services could be provided and upgraded to the satisfaction of the relevant departments if needed. The proposed parking area could provide in the onsite parking requirements of the restaurant, other business activities and the intended land uses, while the property is also well located in terms of existing and well-established public transport routes. The application is deemed desirable, and no negative impact is envisaged on surrounding interested and affected parties, who did not object to the application.

Additional matters to consider

Not applicable.

PART I: RECOMMENDATION

1. That the application in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015 on Erf 2751, Stellenbosch and a portion of the road known as "Die Laan", for a temporary departure in terms of Section 15(2)(c) of the said bylaw in order to use portions of the afore-mentioned properties for a one-day event (Heritage festival) on 24 September for five years (2021 – 2026).

NOT BE APPROVED in terms of Section 60 of the said Bylaw.

2. The reason for the above decision is as follows:

- 2.1 The temporary departure could not be approved more than once for the same use as previously approved, as in this instance where approval was granted in 2016.

- 3 That the following application in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015 on Erf 2751, Stellenbosch, namely:

- 3.1 Closure of a public place in order to close a part of the Public Open Space being Lease Area 1 (1020m²) and Lease Area 2 (1517m²) over Erf 2751, Stellenbosch in terms of Section 15(2)(n) of the said bylaw.

- 3.2 Rezoning of Lease Area 1 (1020m²) over Erf 2751, Stellenbosch from Public Open Space to Local Authority (Public Parking Area) in order to accommodate a public parking area, in terms of Section 15(2)(a) of the said bylaw.

- 3.3 Rezoning of Lease Area 2 (1517m²) over Erf 2751, Stellenbosch from Public Open Space to General Business, in terms of Section 15(2)(a) of the said bylaw, to establish a Local Economic Development (LED) Hub to accommodate a restaurant, tourist craft and art shops and offices in support of entrepreneurs and start-up businesses.

BE APPROVED in terms of Section 60 of the said Bylaw and subject to the conditions of approval in terms of Section 66 of the said Bylaw:

- 4 The approval is subject to the following conditions imposed in terms of Section 66 of the said Bylaw:

Conditions of approval which should be complied with as required in terms of Section 66(11) of the subject By-Law, before the approval comes into effect and any required building plans is submitted:

- 4.1 The entrance/exit indicated on Plan 3 (See **ANNEXURE B**) within 5.5m of the Pastorie Street and Die Laan intersection must be closed.
- 4.2 A revised parking layout plan be submitted to the satisfaction of the municipal traffic engineering section, only using the entrance/exit indicated at 21.5m from the Pastorie Street and Die Laan intersection and a vehicle circulation plan must be present to access parking bays P1-P15 or similar proposed alternative parking layout.
- 4.3 The required parking bays for Lease Area 2 must be provided on Lease Area 1 and these requirements must be addressed in the revised parking layout plan to ensure that parking provision for the business buildings is always provided on Erf 2751, Stellenbosch.
- 4.4 A detailed site development plan as contemplated in terms of Section 16 of the Zoning Scheme Bylaw, 2019 be submitted to the Municipality for approval prior to the submission of any building plans, which site development plan must satisfactorily address, but are not necessarily limited to, all the conditions of this approval, compliance with relevant development parameters of the said Bylaw, any relevant matters relating to Section 16(4) of the said Bylaw, and specifically the requirements as listed in 4.1 and 4.2 above.

General conditions of approval with no requirement for compliance prior to the development of the land as contemplated in terms of Section 66(11) of the subject By-Law:

- 4.5 The approval applies only to the rezoning, closure of public space in question and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council or other legislation or Bylaws or Regulations that may be applicable.
- 4.6 The rezoning of the property is restricted to the current lease areas only and will not include the remainder of the public open space.
- 4.7 Business hours be restricted to normal office working hours from 08h00 till 19h00.
- 4.8 The portion being used for public parking purposes remains attached to the rezoned area and may not be used for unrelated long-term public parking.
- 4.9 The parking area may not be tarred and should a hard surface be envisaged in future; the surface must consist of laterite or alternatively a material that gives the impression of

laterite to preserve the appearance of the original surface to the satisfaction of the Municipal Heritage Section.

- 4.10 No alterations, additions to the structures which is Graded IIIA and the construction of additional building may be done without a permit from Heritage Western Cape (HWC).
- 4.11 The conditions of approval listed in **ANNEXURE F** from the Municipal Directorate: Infrastructure Services be adhered to.
- 4.12 Building plans must be submitted for all changes of use in the existing buildings and which building plan(s) must be approved and related occupancy certificates be issued prior to the vesting of any of the related approvals.

5 The reasons for the above decision are as follows:

- 5.1 The proposals are in line with the objectives and principles of the Integrated Development Plans and the Stellenbosch Municipal Spatial Development Framework.
- 5.2 Sufficient Services can be provided to the satisfaction of the municipal engineering section.
- 5.3 The portion of a public open space to closed, has always been used for the proposed business uses and this application just regularizing the current use.

6 Matters to be noted:

- 6.1 A business license, liquor license and any other applicable activities requiring a separate approval, licence, or permit must be obtained.
- 6.2 The approval granted shall not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the proposed use.
- 6.3 Building plans must be submitted and approved by the Municipality prior to the commencing of any building works, including the preparation of land, which will only be approved when all relevant (or qualified) conditions of approval have been complied with.
- 6.4 An application for the erection of advertising signs be submitted for approval to the municipality and that all signage on the property be erected to the satisfaction of the Municipality or be in line with the signage policy of the Municipality and no signage may be displayed without the written approval of the municipality.
- 6.5 Any signage must consider the heritage significance of the buildings and the residential character of the immediate surroundings.
- 6.6 No directional signage may be erected without the prior approval of the Municipality.

- 6.7 That the conditions of approval listed in **ANNEXURE G** from the Cape Winelands District Municipalities Health Services be adhered to.

PART J: ANNEXURES

1. **ANNEXURE A:** Locality Plan
2. **ANNEXURE B:** Existing Building, Parking and Zoning Plan
3. **ANNEXURE C:** Motivational report and Copy of Title Deed
4. **ANNEXURE D:** Copy of POE Checklist and declaration
5. **ANNEXURE E:** Manager: Spatial Planning comments
6. **ANNEXURE F:** Directorate: Infrastructure Services comments
7. **ANNEXURE G:** Cape Winelands Health Department
8. **ANNEXURE H:** Previous temporary departure approval.

PART K: COMPILATION OF PLANNING APPLICATION ASSESSMENT REPORT**APPLICATION FOR REZONING AND PARTIAL CLOSURE OF A PUBLIC PLACE AND A TEMPORARY DEPARTURE ON ERF 2751, STELLENBOSCH.****Author of Planning Assessment Report:****Recommended Categorisation of the Application for Authorised Decision Maker:**

Rezoning - Type A(c) Category 5 to MPT, considering that the application is initiated by the municipality and the land is owned by Council.

Closure of public space, temporary departure – Type C Category 5 to MPT and type N Category 5 to MPT, considering that the application is initiated by the municipality and the land is owned by Council.

Name: Pedro April

Capacity: Senior Town Planner

SACPLAN Registration:

Signature:



Date: 28/02/2022

PART L: SUBMISSION OF PLANNING APPLICATION ASSESSMENT REPORT**APPLICATION FOR REZONING AND PARTIAL CLOSURE OF A PUBLIC PLACE AND A TEMPORARY DEPARTURE ON ERF 2751, STELLENBOSCH.****Authorised Employee to assess and make a recommendation on a land use and land development application for consideration by the authorised decision maker:**

As the duly authorised official in terms of Section 56 of the Stellenbosch Municipal Land Use Planning Bylaw (2015) to assess and make a recommendation on the above planning application, the subject planning report is hereby submitted for consideration to the duly authorised decision maker in accordance with the Categorisation Model for Land Use and Land Development Applications as approved by the Stellenbosch Municipality in accordance with Section 69(1) of the said Bylaw.

In terms of the Categorisation Model duly approved in terms of Section 69(1) of the said Bylaw vide Item 7.7.1 and dated 8 April 2020, the subject application is categorised as follows:

Category: Type A(c) Category 5, type C Category 5, and type N Category 5

Decision Making Authority: Rezoning = MPT, and Closure of public space and temporary = MPT
Rational:

Rezoning - Type A(c) Category 5 to MPT, considering that the application is initiated by the municipality and the land is owned by Council.

Closure of public space, temporary departure – Type C Category 5 to MPT and type N Category 5 to MPT, considering that the application is initiated by the municipality and the land is owned by Council.

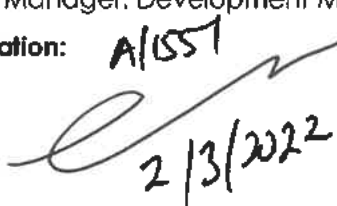
Name: Stiaan Carstens

Capacity: Senior Manager: Development Management

SACPLAN Registration: A/ISS1

Signature:

Date:


2/3/2022

PART M: ADMINISTRATION OF PLANNING APPLICATION ASSESSMENT REPORT

**LAND USE AND LAND DEVELOPMENT APPLICATION:
APPLICATION FOR REZONING AND PARTIAL CLOSURE OF A PUBLIC PLACE AND A
TEMPORARY DEPARTURE ON ERF 2751, STELLENBOSCH.**

Administrator to Stellenbosch Municipal Planning Tribunal:

It is hereby confirmed that proper notice was served of the Municipal Planning Tribunal meeting at which this land use and land development application will serve for consideration.

The land use and land development application will serve at the scheduled meeting of the Stellenbosch Municipal Planning Tribunal on:

Date:

Name:

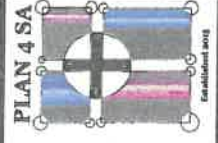
Capacity:

Signature:

Date:

ANNEXURE A

Locality Plan



PROFESSIONAL PLANNERS & PROJECT MANAGERS
MARTIN JONKER
 Tel: 084-410-6132
 Fax: 085-624-9739
 Email: martin@plan4sa.co.za
 Web: www.plan4sa.co.za
PROJECT NUMBER: 16P001
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DRAWING DISCIPLINE CODES
 TRP: Town & Regional Planning
 TP: Transportation Planning
DRAWING STATUS CODES
 D: Draft
 F: Final
DRAWING NUMBER
 16P001-E12751S1S1B-TRP-LP001-F-
 20190627-Rev 00

DRAWING TITLE CODES
 LP: Locality Plan
 LUP: Land Use Plan
 SDP: Site Development Plan
 SLP: Site Layout Plan
 SUB: Subdivision Plan
 ZP: Zoning Plan

DRAWING TITLE			
LOCALITY PLAN			
PLAN NUMBER	SCALE	SHEET SIZE	SHEET NUMBER
1	1:4	A4	1 of 1
PROJECT NAME			
Rezoning of a Portion of Erf 2751 Stellenbosch			

CLIENT OWNER INFORMATION
 STELLENBOSCH MUNICIPALITY
 Mr. Wilmarit Hoese
 Tel: 021-668-9974
 Mobil: 082-878-9490
 Email: wilmarit.hoese@stellenbosch.gov.za

ANNEXURE B

Existing Building, Parking and Zoning Plan

THE AVENUE ("DIE LAAN")

53,4



LEGEND	LEGEND NOTES	AREA (m²)
	Erf 2751 Stellenbosch	10,560m²
	Area to be rezoned	2,537m²
	Total Building Area	±413m²
	Existing Building 1 (Agricultural Hall)	±378m²
	Existing Building 2	±36m²
	Existing Onsite Parking	±780m²
	Parking Bay Size (5.5m x 2.5m)	13,75m²
	Existing entrance to & exit from the existing onsite parking on Lease Area 1 used for office/shop purposes.	
	Existing buildings on Lease Area 2 to be used for office/shop purposes.	
	Lease Area 1 over Erf 2751 to be rezoned to "Local Authority (Public Parking Area)".	1020m²
	Lease Area 2 over Erf 2751 to be rezoned to "General Business".	1517m²
	The remainder of Erf 2751, Stellenbosch to remain Public Open Space.	±8,013m²

PROFESSIONAL PLANNERS & PROJECT MANAGERS
 MARTIN JONKER
 Tel: 021-4104132
 Fax: 086-824-8738
 Email: martin@plan4sa.co.za
 Web: www.plan4sa.co.za

DRAWING DISCIPLINE CODES
 TRP: Town & Regional Planning
 TP: Transportation Planning

DRAWING STATUS CODES
 D: Draft
 F: Final

DRAWING NUMBER
 19P001-Er2751-STB-TRP-SI-P001-F-20190228-Rev 02

PROJECT NUMBER: 19P001
COPYRIGHT RESERVED

DRAWING TITLE CODES
 CP: Consolidation Plan
 LP: Locality Plan
 LUP: Land Use Plan
 SDP: Site Development Plan
 SLP: Site Layout Plan
 SUB: Subdivision Plan
 ZP: Zoning Plan

DRAWING TITLE
 TYPICAL SITE LAYOUT PLAN

PLAN NUMBER	SCALE	SHEET SIZE	SHEET NUMBER
3	Not to scale	A4	1 of 1

PROJECT NAME
 LAND USE APPLICATION(S) OVER A PORTION OF ERF 2751 STELLENBOSCH

CLIENT / OWNER INFORMATION
 STELLENBOSCH MUNICIPALITY
 Mr Widmark Maseke
 Tel: 021-608-6674
 Mobile: 082-879-4490
 Email: widmark.maseke@stellenbosch.gov.za



LEGEND	SURROUNDING LAND USES
[Blue Box]	Residential
[Light Blue Box]	Commercial Residential
[Green Box]	Hotel
[Purple Box]	Business
[Pink Box]	Government Offices
[Light Green Box]	Sports Facility
[Grey Box]	Public Transport Facility
[Light Grey Box]	Public Parking
[Purple Box]	Mixed Use
[Orange Box]	Library
[Yellow Box]	Education (University/School)
[Pink Box]	Industrial

CLIENT / OWNER INFORMATION
 STELLENBOSCH MUNICIPALITY
 Mr Widmark Moses
 Tel: 021-808-8874
 Mobile: 082-879-6480
 Email: widmark.moses@stellenbosch.gov.za

DRAWING TITLE
LAND USE PLAN

PLAN NUMBER	SCALE	SHEET SIZE	SHEET NUMBER
2	Not to scale	A4	1 of 1

PROJECT NAME
REZONING A PORTION OF ERF 2751 STBOSCH

DRAWING TITLE CODES
 LP: Locality Plan
 LUP: Land Use Plan
 SDP: Site Development Plan
 SLP: Site Layout Plan
 SUB: Subdivision Plan
 ZP: Zoning Plan

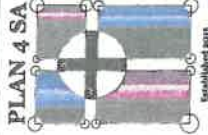
DRAWING DISCIPLINE CODES
 TRP: Town & Regional Planning
 TP: Transportation Planning

DRAWING STATUS CODES
 D: Draft
 F: Final

DRAWING NUMBER
 19P001-ER2751STB-TRP-LUP004-F-
 20190826-Rev 00

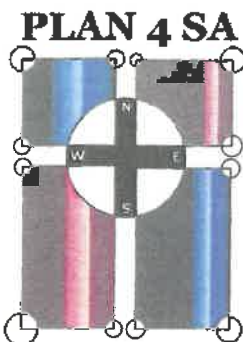
PROFESSIONAL PLANNERS & PROJECT MANAGERS
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 Tel: 084-410-6132
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 Email: martin@plan4sa.co.za
 Web: www.plan4sa.co.za

PROJECT NUMBER: 19P001
 COPYRIGHT RESERVED



ANNEXURE C

Motivational Report and
Copy of Title Deed



PROFESSIONAL PLANNERS & PROJECT MANAGERS
 Town & Regional Planning
 Transportation Planning
 Business Planning & Development
 Project Management

PO Box 1152, Cape Gate, 7562
 Unit 5 Stellen Villa, Kronendal Cr., Stellenberg, 7550, WC
 Tel: +27(0)84-410-6132
 Fax: +27 (0)86-524-8738
 Email: martinj@plan4sa.co.za
 Web: www.plan4sa.co.za

DATE: 26 August 2019
 OUR REF: 19P001

TO:
 Manager: Land Use Management
 Department of Planning & Economic Development
 Stellenbosch Municipality
 43 Andringa Street
 3rd Floor, Eikestad Mall
 STELLENBOSCH
 7600



Attention: Ms Hedré Dednam
 Email: hedre.dednam@stellenbosch.gov.za
 Copy to: Mr Widmark Moses
 Email: Widmark.moses@stellenbosch.gov.za

Dear Sir / Madam

LAND USE APPLICATION(S): ERF 2751 STELLENBOSCH

Please find attached hereto a land use application for the abovementioned property, including the land use application form, written motivation and other supporting documentation.

The land use application is submitted in terms of the Stellenbosch Municipality Planning By-Law (2015) and the Stellenbosch Zoning Scheme Regulations (1996) on behalf of the owner of the property, who is the Stellenbosch Municipality.

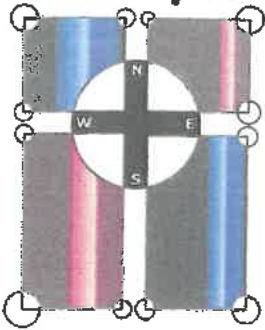
Should you have any enquiries, please do not hesitate to contact the undersigned. Trust the above to be in order.

Regards

MARTIN JONKER
 Managing Director
 For PLAN 4 SA (Pty) Ltd

C:\Users\Martin\Documents\Business\Plan 4 SA\Projects\2019\19P001_Stellenbosch LED HUB LUAs_20190117\Reports\3_Cover Letter\19P001_Cover Letter-LUA-Erf 2751 STR_20190826.docx

PLAN 4 SA



www.plan4sa.co.za

APPLICATION FORM

HEAD OFFICE

PO Box 1152,
Cape Gate,
7562

Unit 5, Stellen Villa,
Kronendal Crescent,
Stellenberg,
7550



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

LAND USE PLANNING APPLICATION FORM 2017

(Section 15 of the Stellenbosch Municipal Land Use Planning By-Law (2015) and other relevant legislation)

KINDLY NOTE: Please complete this form using BLOCK letters and ticking the appropriate boxes.

PART A: APPLICANT DETAILS

First name(s)	MARTIN				
Surname	JONKER				
Company name (if applicable)	PLAN 4 SA (PTY) LTD				
Postal Address	P. O. Box 1152				
	CAPE GATE	Postal Code	7562		
Email	martinj@plan4sa.co.za				
Tel	/	Fax	086 524 8738	Cell	084 410 6132.

PART B: REGISTERED OWNER(S) DETAILS (if different from applicant)

Registered owner(s)	STELLENBOSCH MUNICIPALITY (PIET SMIT / WIOMARK MOSES)				
Physical address	58 ANDRINGA STREET				
	STELLENBOSCH	Postal code	7600		
E-mail	piet.smit@stellenbosch.gov.za. widmark.moses@stellenbosch.gov.za.				
Tel	021-808-8189/8974	Fax	021-886-7323	Cell	084 506 5065 (PIET) 082 879 84 90 (WIOMARK)

PART C: PROPERTY DETAILS (in accordance with title deed)

Erf / Erven / Farm No.	2751	Portion(s) if Farm		Allotment area	STELLENBOSCH
Physical Address	Corner of Pastorie Street & Die Kaan				
	Stellenbosch				
Current Zoning	Public Open Space	Extent	1,0550 m ² /ha	Are there existing buildings?	existing <input checked="" type="checkbox"/> N

Applicable Zoning Scheme	Stellenbosch Zoning Scheme Regulations										
Current Land Use	Open Space + 2 Lease Areas rented out to businesses										
Title Deed number and date	T	STFH8-3/1908									
Attached Conveyance's Certificate	Y	X	Any Restrictions to the Attached Conveyance's Certificate? If yes, please list condition(s) as per certificate								
Are the restrictive conditions in favour of a third party(ies)?	Y	N	If Yes, list the party(ies): N/A.								
Is the property encumbered by a bond?	Y	X	If Yes, list the bondholder(s):								
Is the property owned by Council?	Y	N	If Yes, kindly <u>attach a power of attorney</u> from the Manager Property Management								
Is the building located within the historical core?	Y	N	Is the building older than 60 years?	Y	N	Is the application triggered by the National Heritage Resources Act, 1999 (Act 25 of 1999) ¹	Y	X	If Yes, kindly indicate which section are triggered and attached the relevant permit if applicable.		
Any existing unauthorized buildings and/or land use on the subject property(ies)?	Y	N	If yes, is this application to legalize the building / land use ² ?			Y	N				
Are there any pending court case(s) / order(s) relating to the subject property(ies)?		X	Are there any land claim(s) registered on the subject property(ies)?				X				
PART D: PRE-APPLICATION CONSULTATION											
Has there been any pre-application consultation?	Y		If Yes, please attach the minutes of the pre-application consultation.								
PART E: LAND USE PLANNING APPLICATIONS AND APPLICATION FEES PAYABLE											
APPLICATIONS IN TERMS OF SECTION 15 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015)											
Tick	Type of application: Cost are obtainable from the Council Approved tariffs ³										
X	15(2)(a) Rezoning of Land										
	15(2)(b) a permanent departure from the development parameters of the zoning scheme										
X	15(2)(c) a departure granted on a temporary basis to utilise land for a purpose not permitted in terms of the primary rights of the zoning applicable to the land;										
	15(2)(d) a subdivision of land that is not exempted in terms of section 24, including the registration of a servitude or lease agreement;										
	15(2)(e) a consolidation of land that is not exempted in terms of section 24;										

¹ All applications triggered by section 38(1)(a)-(e) in terms of the National Heritage Resources Act, 1999 (Act 25 of 1999) may not be processed without a permit issued by the relevant department

² No application may be submitted to legalize unauthorised building work and/or land use on the property if a notice have been served in terms of Section 87(2)(a), and until such time a Section 91 Compliance Certificate have been issued in terms of the Stellenbosch Land Use Planning By-law (2015)

³ <http://www.stellenbosch.gov.za/documents/jdp-bydage/2017-2/4873-appendix-3-tariff-book-2017-2018/116>

	15(2)(f) a removal, suspension or amendment of restrictive conditions in respect of a land unit;
	15(2)(g) a permission required in terms of the zoning scheme;
	15(2)(h) an amendment, deletion or imposition of conditions in respect of an existing approval;
	15(2)(i) an extension of the validity period of an approval
	15(2)(j) an approval of an overlay zone as contemplated in the zoning scheme;
	15(2)(k) an amendment or cancellation of an approved subdivision plan or part thereof, including a general plan or diagram ;
	15(2)(l) a permission required in terms of a condition of approval;
	15(2)(m) a determination of a zoning;
X	15(2)(n) a closure of a public place or part thereof;
	15(2)(o) a consent use contemplated in the zoning scheme;
	15(2)(p) an occasional use of land;
	15(2)(q) to disestablish a home owner's association
	15(2)(r) to rectify a failure by a home owner's association to meet its obligations in respect of the control over or maintenance of services;
	15(2)(s) a permission required for the reconstruction of an existing building that constitutes a non-conforming use that is destroyed or damaged to the extent that it is necessary to demolish a substantial part of the building.
	15(2)(6) When the Municipality on its own initiative intends to conduct land development or an activity
	15(2)(l) Amendment of Site Development Plan
	15(2)(l) Compilation / Establishment of a Home Owners Association Constitution / Design Guidelines

OTHER APPLICATIONS

	Deviation from Council Policies/By-laws;	R
	Other (specify) : _____	R
TOTAL A:		R

PRESCRIBED NOTICE AND FEES (for completion and use by official)**

Tick	Notification of application in media	Type of application	Cost
	SERVING OF NOTICES	Delivering by hand; registered post; data messages	R
	PUBLICATION OF NOTICES	Local Newspaper(s); Provincial Gazette; site notice; Municipality's website	R
	ADDITIONAL PUBLICATION OF NOTICES	Site notice, public meeting, local radio station, Municipality's website, letters of consent or objection	R
	NOTICE OF DECISION	Provincial Gazette	R
	INTEGRATED PROCEDURES	T.B.C	R
TOTAL B:			R
TOTAL APPLICATION FEES* (TOTAL A + B)			R

* Application fees that are paid to the Municipality are non-refundable and proof of payment of the application fees must accompany an application.

** The applicant is liable for the cost of publishing and serving notice of an application. Additional fees may become applicable and the applicant will be informed accordingly.

BANKING DETAILS

Name: Stellenbosch Municipality
 Bank: NEDBANK
 Branch no.: 198765
 Account no.: 1152271679
 SWIFT: NEDSZAJJ
 Payment reference:
 (Erf/Farm number)



PART G: ATTACHMENTS AND SUPPORTING INFORMATION AND DOCUMENTATION FOR LAND USE PLANNING APPLICATION

Complete the following checklist and attach all the information and documentation relevant to the proposal. Failure to submit all information and documentation required will result in the application being deemed incomplete.

Information and documentation required

<input checked="" type="checkbox"/>	N		Power of attorney / Owner's consent if applicant is not owner	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Bondholder's consent (if applicable)	
<input type="checkbox"/>	<input checked="" type="checkbox"/>		Resolution or other proof that applicant is authorised to act on behalf of a juristic person	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Proof of any other relevant right held in the land concerned	
<input checked="" type="checkbox"/>	N		Written motivation pertaining to the need and desirability of the proposal	<input checked="" type="checkbox"/>	N	S.G. diagram / General plan extract (A4 or A3 only)	
<input checked="" type="checkbox"/>	N		Locality plan (A4 or A3 only) to scale	<input checked="" type="checkbox"/>	N	Site development plan or conceptual layout plan (A4 or A3 only) to scale	
<input type="checkbox"/>	<input checked="" type="checkbox"/>		Proposed subdivision plan (A4 or A3 only) to scale	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Proof of agreement or permission for required servitude	
<input type="checkbox"/>	<input checked="" type="checkbox"/>		Proof of payment of application fees	<input checked="" type="checkbox"/>	N	Proof of registered ownership (Full copy of the title deed)	
<input checked="" type="checkbox"/>	N		Conveyancer's certificate	<input checked="" type="checkbox"/>	N	Minutes of pre-application consultation meeting (if applicable)	
<input type="checkbox"/>	N	<input checked="" type="checkbox"/>	Consolidation plan (A4 or A3 only) to scale	<input checked="" type="checkbox"/>	N	N/A	Land use plan / Zoning plan (A4 or A3 only) to scale
<input type="checkbox"/>	N	<input checked="" type="checkbox"/>	Street name and numbering plan (A4 or A3 only) to scale	<input type="checkbox"/>	N	<input checked="" type="checkbox"/>	1 : 50 / 1:100 Flood line determination (plan / report) (A4 or A3 only) to scale
<input type="checkbox"/>	N	<input checked="" type="checkbox"/>	Landscaping / Tree plan (A4 or A3 only) to scale	<input type="checkbox"/>	N	<input checked="" type="checkbox"/>	Home Owners' Association consent
<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A	Abutting owner's consent	<input type="checkbox"/>	N	<input checked="" type="checkbox"/>	Services Report or indication of all municipal services / registered servitudes
<input type="checkbox"/>	N	<input checked="" type="checkbox"/>	Copy of Environmental Impact Assessment (EIA) / Heritage Impact Assessment (HIA) / Traffic Impact Assessment (TIA) / Traffic Impact Statement (TIS) / Major Hazard Impact Assessment (MHIA) / Environmental Authorisation (EA) / Record of Decision (ROD)	<input type="checkbox"/>	N	<input checked="" type="checkbox"/>	Proof of failure of Home owner's association
<input type="checkbox"/>	N	<input checked="" type="checkbox"/>	Copy of original approval and conditions of approval	<input type="checkbox"/>	N	<input checked="" type="checkbox"/>	Any additional documents or information required as listed in the pre-application consultation form / minutes
<input type="checkbox"/>	N	<input checked="" type="checkbox"/>	Proof of lawful use right	<input type="checkbox"/>	N	<input checked="" type="checkbox"/>	Other (specify)
<input checked="" type="checkbox"/>	N	N/A	Required number of documentation copies	<input type="checkbox"/>	N	<input checked="" type="checkbox"/>	

PART H: AUTHORISATION(S) SUBJECT TO OR BEING CONSIDERED IN TERMS OF OTHER LEGISLATION			
Y	<input checked="" type="checkbox"/>	If required, has application for EIA / HIA / TIA / TIS / MHIA approval been made? If yes, attach documents / plans / proof of submission etc.	Specific Environmental Management Act(s) (SEMA) (e.g. Environmental Conservation Act, 1989 (Act 73 of 1989))
			Y <input checked="" type="checkbox"/> National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004)
Y	<input checked="" type="checkbox"/>	Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)	Y <input checked="" type="checkbox"/> National Environmental Management: Waste Act, 2008 (Act 59 of 2008)
Y	<input checked="" type="checkbox"/>	Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)(SPLUMA)	Y <input checked="" type="checkbox"/> National Water Act, 1998 (Act 36 of 1998)
Y	<input checked="" type="checkbox"/>	Occupational Health and Safety Act, 1993 (Act 85 of 1993): Major Hazard Installations Regulations	Y <input checked="" type="checkbox"/> Other (specify)
Y	<input checked="" type="checkbox"/>	Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA)	
Y	<input checked="" type="checkbox"/>	Do you want to follow an integrated application procedure in terms of section 44(1) of the Stellenbosch Municipality Land Use Planning By-Law? If yes, please attach motivation.	

SECTION I: DECLARATION

I hereby wish to confirm the following :

1. That the information contained in this application form and accompanying documentation is complete and correct.
2. I'm aware that it is an offense in terms of section 86(1)(e) to supply particulars, information or answers knowing the particulars, information or answers to be false, incorrect or misleading or not believing them to be correct.
3. I am properly authorized to make this application on behalf of the owner and that a copy of the relevant power of attorney or consent is attached hereto.
4. Where an agent is appointed to submit this application on the owner's behalf, it is accepted that correspondence from and notifications by the Municipality in terms of the by-law will be sent only to the agent and that the owner will regularly consult with the agent in this regard.
5. I confirm that the relevant title deed(s) have been read and that there are no restrictive title deed restrictions, which impact on this application, or alternatively an application for removal/suspension or amendment forms part of this submission.
6. I confirm that I have made known all information relating to possible Land / Restitution Claims against the application property.
7. It is the owner's responsibility to ensure that approval is not sought for a building or land use which will be in conflict with any applicable law.
8. The Municipality assesses an application on the information submitted and declarations made by the owner or on his behalf on the basis that it accepts the information so submitted and declarations so made to be correct, true and accurate.
9. Approval granted by the Municipality on information or declarations that are incorrect, false or misleading may be liable to be declared invalid and set aside which may render any building or development pursuant thereto illegal.
10. The Municipality will not be liable to the owner for any economic loss suffered in consequence of approval granted on incorrect, false or misleading information or declarations being set aside.
11. Information and declarations include any information submitted or declarations made on behalf of the owner by a Competent Person/professional person including such information submitted or

declarations made as to his or her qualification as a Competent person and/or registration as a professional.

12. A person who provides any information or certificate required in terms of Regulation A19 of the National Building Regulations and Building Standards Act No 103 of 1977 which he or she knows to be incomplete or false shall be guilty of an offence and shall be prosecuted accordingly.
13. A person who supplies particulars, information or answers in a land use application in terms of the Stellenbosch Municipality Land Use Planning By-law knowing it to be incorrect, false or misleading or not believing them to be correct shall be guilty of an offence and shall be prosecuted accordingly.
14. The Municipality will refer a complaint to the professional council or similar body with whom a Competent Person/professional person is registered in the event that it has reason to believe that information submitted or declaration/s made by such Competent Person/professional person is incorrect, false or misleading.

Applicant's signature: _____

M. Joubert

Date: _____

26/8/2019.

Full name: _____

Martin Joubert

Plan 4 SA (Pty) Ltd.

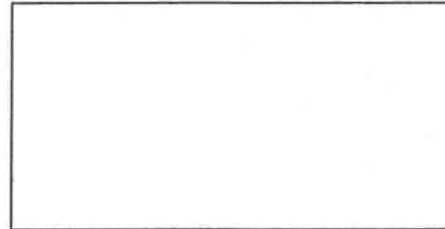
Professional capacity: _____

Professional Planner A/1090/1999

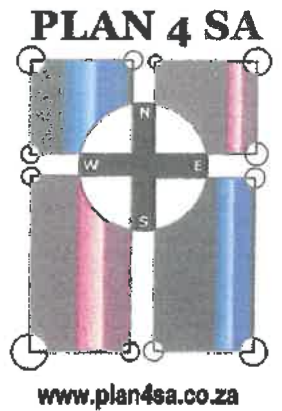
FOR OFFICE USE ONLY

Date received: _____

Received By: _____



**Land Use Application(s)
for
Erf 2751, Stellenbosch**



PLANNING MOTIVATION REPORT



**Prepared
For**

**STELLENBOSCH MUNICIPALITY
Department of Planning and Economic Development
58 Andringa Street, Stellenbosch, 7600
PO Box 17
Stellenbosch
7599**

**Report Date:
26 August 2019**

HEAD OFFICE
PO Box 1152,
Cape Gate,
7562

Unit 5, Stellen Villa,
Kronendal Crescent,
Stellenberg,
7550

CONTROL SHEET

PARTIES TO THE CONTRACT / SERVICE LEVEL AGREEMENT

CLIENT	: Stellenbosch Municipality
Client Contact Person	: Mr Widmark Moses
Client Tel	: 021-808-8173
Client Mobile	: 082-879-8490
Client Email	: Widmark.moses@stellenbosch.gov.za
LEAD CONSULTANT	: Plan 4 SA (Pty) Ltd
Consultant Project Manager	: Martin Jonker
Consultant Email	: martini@plan4sa.co.za
Consultant Mobile	: 084-410-6132
SUB-CONSULTANTS	: N/A

PROJECT

PROJECT NAME	: PREPARE & SUBMIT A LAND USE APPLICATION TO REMOVE RESTRICTIVE TITLE DEED CONDITIONS AND REZONE SEVERAL PROPERTIES IN THE STELLENBOSCH MUNICIPAL AREA TO BE USED AS LOCAL ECONOMIC DEVELOPMENT HUBS
Contract / Order Number	: 352666
Consultant Project Number	: 19P001

REPORT

REPORT NAME	: PLANNING MOTIVATION REPORT
Prepared By	: Martin Jonker

REPORT REVISIONS

REVISION NR	DATE	DESCRIPTION
Rev 00	12 July 2019	Draft Planning Motivation Report
Rev 01	19 August 2019	Draft Planning Motivation Report
Rev 02	20 August 2019	Draft Planning Motivation Report
Rev FINAL	26 August 2019	Planning Motivation Report

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1. INTRODUCTION

1.1 BACKGROUND AND APPOINTMENT

The Stellenbosch Municipal Council resolved on 29 March 2017 that approval be granted for the establishment of Local Economic Development (LED) Hubs on several municipal properties located in the Stellenbosch municipal area.

The municipality's LED department identified five (5) suitable locations for this purpose and issued a Request for Quotations for Professional Planners to assist with the preparation and submission of land use applications on each property. PLAN 4 SA (Pty) Ltd was subsequently appointed to assist with obtaining the relevant land use rights on each identified property.

1.2 POWER OF ATTORNEY

The owner of the property gave Power of Attorney to PLAN 4 SA (Pty) Ltd or its nominee (Mr Martin Jonker; ID 7010175034083 and SACPLAN Registration Number A/1090/1999).

The aforesaid Power of Attorney is attached to the land use application as ANNEXURE 1.

1.3 REPORT LAYOUT

The report has been structured as follows:

- **Section 1: Introduction:** This section gives the background to the appointment and shows to whom power of attorney has been given to deal with this application.
- **Section 2: Land Use Application:** This section describes the purpose of the application; identifies the applicable by-law, zoning scheme and overlay zones; describes the type of land use application and finally indicates whether any national and provincial legislation are triggered by the application.
- **Section 3: Property Information:** This section provides basic information about the property such as its cadastral description, its extent, the title deed number of the property and whether there are any restrictive conditions in the title deed. Other information includes its current zoning, current land uses, whether there is a bond registered against the property, and whether there are any pending land claims or court cases/orders.
- **Section 4: Contextual Analysis:** This section analyses the site in terms of the characteristics of the surrounding area, its location and the surrounding zonings and land uses.
- **Section 5: Site Analysis:** In this section the site is analysed in terms of the availability of engineering services, roads & transport, servitudes, geotechnical status, topography and environmental characteristics.
- **Section 6: Development Proposal:** The proposed development or land use is described in more detail in this section including the planning parameters proposed.
- **Section 7: Planning Motivation in Support of the Application:** This section motivates the application from a planning perspective. It looks at, amongst others, the consistency of the application in terms of planning policies and frameworks.
- **Section 8: Conclusion:** Provides concluding remarks and recommendations regarding the application.

2. LAND USE APPLICATION

2.1 PURPOSE OF THE APPLICATION

The purpose of this application is to obtain the applicable land use rights to use the subject property as a Local Economic Development Hub.

2.2 APPLICABLE BY-LAW, ZONING SCHEME & OVERLAY ZONES

The following by-law and zoning scheme(s) are applicable to this land use application:

- Stellenbosch Municipal Land Use Planning By-Law, 2015; and the
- Stellenbosch Municipal Zoning Scheme Regulations, 1996

The subject property falls inside the Historical Centre of Stellenbosch.

2.3 TYPE OF LAND USE APPLICATION

Application is made in terms of Section 15 of the Stellenbosch Municipal Land Use Planning By-Law, 2015 for the following:

TABLE 1: LAND USE APPLICATION(S) MADE

IN TERMS OF SECTION	APPLICATION IS MADE FOR
15(2)(n)	The closure of a part of the Public Open Space, being Lease Area 1 (1020m ² in extent) and Lease Area 2 (1517m ² in extent) over Erf 2751, Stellenbosch.
15(2)(a)	The rezoning of Lease Area 1 (1020m ² in extent) over Erf 2751, Stellenbosch from Public Open Space to Local Authority (Public Parking Area) in terms of the Stellenbosch Municipal Zoning Scheme Regulations, 1996.
15(2)(a)	The rezoning of Lease Area 2 (1517m ² in extent) over Erf 2751, Stellenbosch from Public Open Space to General Business in terms of the Stellenbosch Municipal Zoning Scheme Regulations, 1996.
15(2)(i)	An extension of the validity period of a temporary departure previously approved under application number LU/4710 on 16 September 2016, in order to use Erf 2751, Stellenbosch and a portion of the road known as "Die Laan", for a one day event (Heritage Festival) on 24 September, for five years, i.e. 2020 - 2025.

2.4 APPROVAL REQUIRED IN TERMS OF OTHER LEGISLATION (IF APPLICABLE)

The following table indicates whether the proposed land use triggers any approvals required in terms of the Spatial Planning and Land Use Management Act (SPLUMA), Act 16 of 2013.

TABLE 2: SPLUMA (Act 16 of 2013) TRIGGERS

APPLICABLE SECTIONS OF SPLUMA	TRIGGERED (YES / NO)	COMMENTS
<p>Development application affecting national interest S52.(1)</p> <p>Subject to the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000), a land development application must be referred to the Minister where such an application materially impacts on –</p> <p>(a) matters within the exclusive functional area of the national sphere in terms of the Constitution;</p> <p>(b) strategic national policy objectives, principles or priorities, including food security, international relations and co-operation, defence and economic unity; or</p> <p>(c) land use for a purpose which falls within the functional area of the national sphere of government.</p>	No	This section is not triggered.
<p>S52.(2)</p> <p>A land development application must be referred to the Minister where the outcome of the application –</p> <p>(a) may be prejudicial to the economic, health or security interests of one or more provinces or the Republic as a whole; or</p> <p>(b) may impede the effective performance of the functions by one or more municipalities or provinces relating to matters within their functional area of legislative competence.</p>	No	This section is not triggered.
<p>S52.(3)</p> <p>Where an applicant believes that his or her application is likely to affect the national interest, he or she must submit a copy of that application to the Minister.</p>	No	This section is not triggered.

The following table indicates whether any other national legislation is triggered by the proposed change in land use.

TABLE 3: OTHER NATIONAL LEGISLATIVE TRIGGERS

OTHER NATIONAL LEGISLATION	APPLICABLE SECTIONS	TRIGGERED (YES / NO)	COMMENTS
National Heritage Resource Act, 1999 (Act 25 of 1999)	Sections that triggers the need to submit a Notification of Intent to Develop		
	S38(1)(a) Construction of a road, wall, powerline, pipeline, canal or other similar form of linear development or barrier over 300m in length	No	This section is not triggered.
	S38(1)(b) Construction of a bridge or similar structure exceeding 50m in length	No	This section is not triggered.

OTHER NATIONAL LEGISLATION	APPLICABLE SECTIONS	TRIGGERED (YES / NO)	COMMENTS
	S38(1)(c) Any development or activity that will change the character of a site – i. Exceeding 5,000m ² in extent; or ii. Involving three or more existing erven or subdivisions thereof; or iii. Involving three or more divisions thereof which have been consolidated within the past five years.	No	This section is not triggered.
	S38(1)(d) Rezoning of a site exceeding 10,000m ² in extent.	No	This section is not triggered.
	S38(1)(e) Any other category of development provided for in regulations by SAHRA or a provincial heritage resources authority.	No	The building next to the Hall on the property is older than 60-years ¹ . The agricultural hall ² has a building plan that was approved in 1975. Irrespective of the ages of the buildings, no structural changes will be done to any of the buildings without obtaining all the necessary approvals.
National Environmental Management Act, 1998 (Act 107 of 1998)		No	This Act is not triggered.
Environmental Conservation Act, 1989 (Act 73 of 1989)		No	This Act is not triggered.
National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004)		No	This Act is not triggered.
National Environmental Management: Waste Act, 2008 (Act 59 of 2008)		No	This Act is not triggered.
National Water Act, 1998 (Act 36 of 1998)		No	This Act is not triggered.
Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)		No	This Act is not triggered.
Advertising on Roads & Ribbon Development Act, 1940 (Act 21 of 1940)		No	This Act is not triggered.
Occupational Health & Safety Act, 1993 (Act 85 of 1993): Major Hazard Installations Regulations		No	This Act is not triggered.

The following table indicates whether the proposed use triggers any provincial legislative approvals.

¹ Building Plan BP497 approved 7/09/1926.

² Building Plan BP9461 approved 16/07/1975

TABLE 4: PROVINCIAL LEGISLATIVE TRIGGERS

PROVINCIAL LEGISLATION	APPLICABLE SECTIONS	TRIGGERED (YES / NO)	COMMENTS
Western Cape Land Use Planning Act, 2014 (Act 3 of 2014)	Compliance or consistency with, and deviation from, spatial development frameworks or structure plans S19(1) If a spatial development framework or structure plan specifically provides for the utilisation or development of land as proposed in a land use application or land development application, the proposed utilisation or development is regarded as complying with that spatial development framework or structure plan.	N/A	N/A
	S19(2) If a spatial development framework or structure plan does not specifically provide for the utilisation or development of land as proposed in a land use application or a land development application, but the proposed utilisation or development is not in conflict with the purpose of the relevant designation in the spatial development framework or structure plan, the utilisation or development is regarded as being consistent with that spatial development framework or structure plan.	Yes	Although the 2018 SDF does not specifically discuss the use of this property and does not provide a specific land use designation for the area, the proposed land use is within the urban edge and not in conflict with normal uses associated with an urban area. The final draft 2019 SDF designated the area as "Existing and Proposed Urban Character Areas"
	S19(3) If the proposed utilisation or development of land in a land use application or a land development application does not comply with and is not consistent with the relevant designation for the utilisation of land in an applicable spatial development framework or structure plan, the proposed utilisation or development deviates from that spatial development framework or structure plan.	No	N/A
	Provincial comment on land use applications S45(1) A municipality must refer a land use application relating to the following to the Head of Department for written provincial comment once the application is complete in accordance with the requirements of the municipality and section 42:	N/A	N/A
	S45(1)(a) a development outside the municipality's planned outer limit of urban expansion as reflected in its municipal spatial development framework;	No	The proposed development is located within the urban edge.
	S45(1)(b) if the municipality has no approved municipal spatial development framework, a development outside the physical edge, including existing urban land use approvals, of the existing urban area;	No	N/A
	S45(1)(c) a rezoning of land zoned for agricultural or conservation purposes;	No	N/A

PROVINCIAL LEGISLATION	APPLICABLE SECTIONS	TRIGGERED (YES / NO)	COMMENTS
	S45(1)(d) any development as determined by the municipal manager;	No	N/A
	S45(1)(e) development as prescribed that affects a provincial functional area;	No	N/A
	S45(1)(f) any other category of land use applications as may be prescribed for the purpose of supporting and strengthening the capacity of municipalities.	No	N/A
	<p>Provincial approval of land development S53(1)</p> <p>No person may without an approval under subsection (2) or an exemption under subsection (3) develop land that will have a substantial effect on—</p> <p>(a) the orderly, coordinated or harmonious development of a region or the Province;</p> <p>(b) the general welfare of the inhabitants of a region or the Province; or</p> <p>(c) agriculture, due to—</p> <p>(i) the nature or scale of the proposed land use; or</p> <p>(ii) the cumulative effect of multiple developments.</p>	No	N/A
	S53(2) The owner of the land concerned or a person authorised by the owner may apply to the Head of Department for approval to develop land that will have the effect contemplated in subsection (1).	No	N/A because S53(1) of LUPA (Act 3 of 2014) is not triggered.
	S53(3) “(3) The Provincial Minister may exempt categories of land development from requiring approval under subsection (1) in one or more of the following circumstances: (a) where the land development complies with the applicable spatial development frameworks; (b) where the land development is consistent with other provincial policy; (c) to provide for government infrastructure projects; or (d) where provincial approval was granted in terms of other legislation.”	Yes	N/A because S53(1) of LUPA (Act 3 of 2014) is not triggered.

PROVINCIAL LEGISLATION	APPLICABLE SECTIONS	TRIGGERED (YES / NO)	COMMENTS
<p>Western Cape Land Use Planning Regulations, 2015 (Provincial Gazette 7412 dated 26 June 2015)(P.N. 203/2015)</p> <p>Western Cape Land Use Planning Regulations, 2015: Amendment, 2019 (Provincial Gazette 8083 dated 15 April 2019)(P.N. 51/2019)</p>	<p>Land development requiring provincial approval and exempted categories of land development</p> <p>Reg 10.(1)</p> <p>Subject to subregulation (2), land development contemplated in section 53(1) read with section 53(4) of the Act consists of the following categories:</p> <p>(a) proposed land development—</p> <p>(i) in respect of which an approval in terms of the Ordinance does not exist immediately before the commencement of the Act; and</p> <p>(ii) that falls within a category of land development that has been listed in the Provincial Gazette as a category that requires approval under section 53(1) of the Act;</p> <p>(b) proposed land development that utilises an area of five hectares or more of agricultural land that has been cultivated or irrigated during the 10-year period immediately preceding the proposed land development that involves urban development or urban expansion, including residential, resort, business, industrial and community development, utility services or transport uses, but excluding agricultural land uses or land development ordinarily associated with agricultural use such as agricultural storing and packing facilities, agricultural industries or accommodation for bona fide agricultural workers;”</p> <p>(c) proposed land development for prospecting, mining or quarrying that utilises an area of five hectares or more of agricultural land;</p> <p>(d) proposed land development for any shale gas mining activity, but excluding any exploration activities involving seismic testing and stratified drilling;</p> <p>and</p> <p>(e) proposed land development for any nuclear electricity generation facility.</p>	No	N/A because S53(1) of LUPA (Act 3 of 2014) is not triggered.

PROVINCIAL LEGISLATION	APPLICABLE SECTIONS	TRIGGERED (YES / NO)	COMMENTS
	<p>Reg 10.(2)</p> <p>The following categories of land development contemplated in subregulation (1) are exempted under section 53(3) of the Act from requiring approval under section 53(1) of the Act:</p> <p>(a) proposed land development in respect of which a provincial approval exists immediately before the commencement of the Act in terms of any of the following legislation:</p> <ul style="list-style-type: none"> (i) section 24(2) of the National Environmental Management Act, 1998 (Act 107 of 1998), excluding an approval that is suspended in terms of section 43(7) of that Act; (ii) section 3 or 14 of the Less Formal Township Establishment Act, 1991 (Act 113 of 1991); (iii) regulations 2 to 7 of the regulations made under section 66(1) of the Black Communities Development Act, 1984 (Act 4 of 1984), published under Government Notice R.1897/1986 in Government Gazette 10431 of 12 September 1986; (iv) regulation 16, 17, 19(5) or 19(7) of the regulations made under section 66(1) of the Black Communities Development Act, 1984, published under Provincial Notice 733/1989 in Provincial Gazette 4606 of 22 September 1989; (v) section 20 of the Rural Areas Act, 1987 (Act 9 of 1987); <p>(b) proposed land development that is specifically provided for in the applicable local municipal spatial development framework that was submitted to the Provincial Minister as contemplated in section 14 of the Act.</p>	Yes	N/A because S53(1) of LUPA (Act 3 of 2014) is not triggered.

3. PROPERTY INFORMATION

3.1 PROPERTY DESCRIPTION & EXTENT

TABLE 5: PROPERTY CADASTRAL INFORMATION

PROPERTY DESCRIPTION	SG DIAGRAM	EXTENT
Erf 2751, Stellenbosch	SG2158/1907	1.0550ha (1 morgen 139 square roods)
Lease Area 1 over Erf 2751, Stellenbosch	SG352/2015	1020m ²
Lease Area 2 over Erf 2751, Stellenbosch	SG628/2015	1517m ²
Erf 6314 (a portion of Erf 2751), Stellenbosch	SG5325/1976 (Withdrawn)	1576m ²

The SG Diagram for Erf 6314 was withdrawn by the Surveyor-General on 16/04/2015. Erf 6314 Stellenbosch is an unregistered property vide Diagram SG5325/1976. The SG Diagrams are attached to the land use application as ANNEXURE 2.

3.2 OWNERSHIP & TITLE DEED

The property (Erf 2751, Stellenbosch) is owned by the Stellenbosch Municipality and is held by Deed of Grant No. 3 dated 8 January 1908 (STFH8-3/1908). Proof of registered ownership is attached to the land use application as ANNEXURE 3. The Title Deed is attached to the land use application as ANNEXURE 4.

3.3 CONVEYANCING CERTIFICATE & TITLE DEED RESTRICTIONS

A Conveyancing Certificate has been issued and is attached to the land use application as ANNEXURE 5. A search was conducted on the following title deeds:

- Deed of Grant No. 3 dated 8 January 1908 (STFH8-3/1908)

The Conveyancing Certificate confirms that there are no restrictive conditions in the current or earlier title deeds.

3.4 CURRENT ZONING

The application property is currently zoned as follows in terms of the Stellenbosch Zoning Scheme Regulations, 1996.

TABLE 6: CURRENT ZONING

USE ZONE	PRIMARY USES / NORMAL DEVELOPMENT	CONSENT USES / SPECIAL DEVELOPMENT (Allowed with consent of the Council)
Public Open Space	Public Open Space	None

The Rules of Development (RD) for Public Open Space indicates that "No building or structure shall be erected or use practised except such as is compatible with "public open space" as defined in section 1".

Section 1 of the Zoning Scheme defines "Public Open Space" or "Public Place" as follows: "... means a park, public garden, square, sports field, children' playground, amusement park, place of recreation or any similar amenity, the

access to which is not limited or controlled". The Zoning Certificate(s) is attached to the land use application as ANNEXURE 6.

3.5 EXISTING BUILDINGS & LAND USES

There are two lease areas registered on the subject property. Lease Area 1 is leased out and used as a parking area with no buildings on it. Lease Area 2 has two (2) buildings on it which is currently leased out and used for office & shop purposes. The building is known as the "Old Agricultural Hall" ("Ou Landbousaal"). The remainder of Erf 2751 is used as a public open space.

TABLE 7: EXISTING BUILDINGS & LAND USES

EXISTING BUILDINGS	EXISTING LAND USES	LEGAL STATUS (Authorised or Unauthorised)	IF "UNAUTHORISED", IS THIS APPLICATION TO LEGALIZE THE LAND USE?
Lease Area 1 over Erf 2751, Stellenbosch	Leased out and used as Paid Public Parking	Unauthorised	Yes
Lease Area 2 over Erf 2751, Stellenbosch	Leased out and used as Offices & Shop	Unauthorised	Yes
Erf 2751, Stellenbosch (Remainder)	Public Open Space	Authorised	N/A

The two lease areas over Erf 2751 Stellenbosch is shown in the figures below.

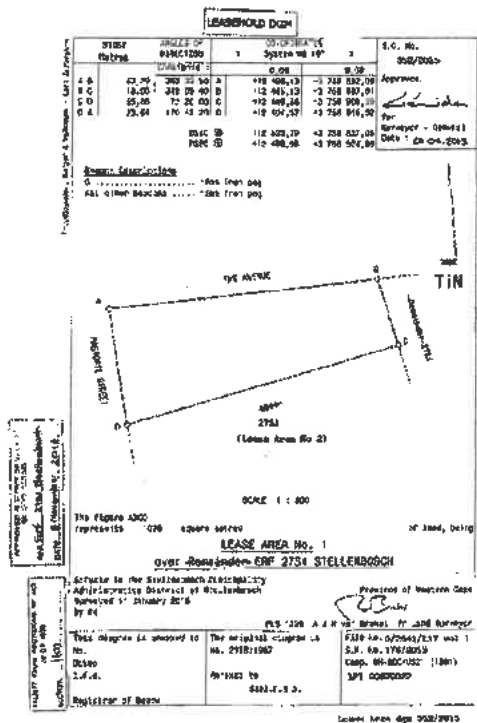


FIGURE 1: LEASE AREA 1 OVER ERF 2751 STELLENBOSCH

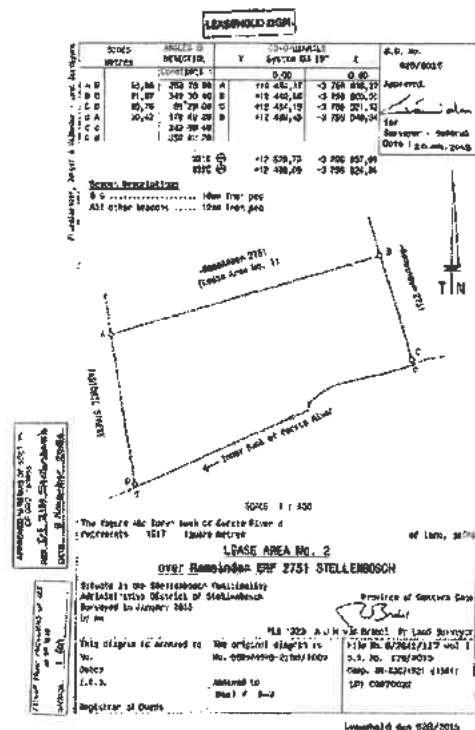


FIGURE 2: LEASE AREA 2 OVER ERF 2751 STELLENBOSCH

The existing uses and buildings on Erf 2751 Stellenbosch are shown on the photos below.



PHOTO 1: ENTRANCE TO THE AGRICULTURAL HALL



PHOTO 2: SIGNBOARD OF PAID PUBLIC PARKING

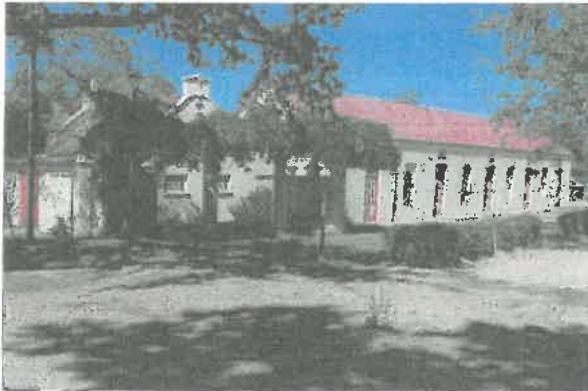


PHOTO 3: VIEW FROM REMAINDER OF ERF 2751, STELLENBOSCH



PHOTO 4: VIEW FROM CORNER OF PASTORIE STREET AND THE AVENUE (DIE LAAN)



PHOTO 5: VIEW FROM PEDESTRIAN BRIDGE



PHOTO 6: VIEW OF PUBLIC OPEN SPACE ON ERF 2751, STELLENBOSCH



PHOTO 7: AERIAL VIEW OF ERF 2751, STELLENBOSCH



PHOTO 8: AERIAL VIEW OF LEASE AREA 1 AND LEASE AREA 2 OVER ERF 2751, STELLENBOSCH



PHOTO 9: AERIAL VIEW OF BUILDING NEXT TO AGRICULTURAL HALL



PHOTO 10: AERIAL VIEW OF AGRICULTURAL HALL

3.6 BOND HOLDER

There is no bond registered against the subject property(ies).

3.7 PENDING LAND CLAIMS

The Office of the Regional Land Claims Commissioner: Western Cape confirmed in a letter dated 9 April 2019 that *"as at the date of this letter no land claims appear on our database in respect ... ERF 2751 STELLENBOSCH, ..."*. The letter from the Regional Land Claims Commissioner is attached hereto as **ANNEXURE 7**.

3.8 PENDING COURT CASES / ORDERS

A legal dispute followed the decision of the Stellenbosch Municipal Planning and Economic Development Committee on 5 August 2014 (Land Use Application Number LU/1917) to approve a public place closure and rezoning application on Erf 2751, Stellenbosch. Mr Piet Smit of the Stellenbosch Municipality confirmed telephonically on 14 August 2019 that the aforementioned legal dispute has in the meantime been resolved / settled.

The conveyancer who signed the conveyancing certificate confirmed that at the time of their enquiries/search, they also did not detect any Caveats or Interdicts noted against the property at the Deeds Office. To the best of our knowledge, there are no pending court cases or orders relating to or registered against the subject property(ies).

4. CONTEXTUAL ANALYSIS

4.1 LOCATION & PHYSICAL ADDRESS

The property is located on the corner of Pastorie Avenue and The Avenue (Die Laan) in Stellenbosch. The location is shown in the image below and on the attached **PLAN 1: LOCALITY PLAN**.



IMAGE 1: LOCATION OF ERF 2751 STELLENBOSCH

The Avenue (Die Laan) forms the northern boundary of the property whilst the Eerste River forms the southern boundary of the property.

4.2 SURROUNDING ZONINGS AND LAND USES

The subject property is surrounded by residential, commercial residential (guest houses) and hotel (boutique hotel) uses to the north along The Avenue (Die Laan) Street, and University uses to the west and south of the property. The existing land uses in the immediate vicinity of the subject property is summarised in the following table.

TABLE 8: LAND USES ON SURROUNDING PROPERTIES

ERF NUMBERS	STREET NAMES	EXISTING LAND USES
Erf 1188	Pastorie Street	University uses
RE/16501	Suidwal Street	University uses
Erf 16502	Suidwal Street	University uses
RE/16510	Suidwal Street	University uses
Erf 16513	Suidwal Street	University uses
Erf 1372	Corner of Pastorie & The Avenue (Die Laan)	De Haas Luxury Living (Commercial Accommodation)
Erf 1371	The Avenue (Die Laan)	River Manor Boutique Hotel

ERF NUMBERS	STREET NAMES	EXISTING LAND USES
Erf 1370	The Avenue (Die Laan)	River Manor Boutique Hotel
RE/1407	22 The Avenue (Die Laan)	22 Die Laan Self Catering Guest House (4-star)
Erf 15812	22 The Avenue (Die Laan)	22 Die Laan Self Catering Guest House (4-star)
Erf 1432	28 The Avenue (Die Laan)	Laanhof Apartment Hotel (4-star hotel)
Erf 1431	28 The Avenue (Die Laan)	Laanhof Apartment Hotel (4-star hotel)
Erf 1430	32 The Avenue (Die Laan)	Avenues Guest Lodge (3-star hotel)
RE/1429	32 The Avenue (Die Laan)	Avenues Guest Lodge (3-star hotel)
Erven 14609, 1381, 1410, 1409, 1408	The Avenue (Die Laan)	Residential

Some of the surrounding land uses are shown on the photos below.



PHOTO 11: UNIVERSITY USES ON ERF 1188



PHOTO 12: UNIVERSITY USES IN SUIDWAL STREET



PHOTO 13: UNIVERSITY USES IN SUIDWAL STREET



PHOTO 14: DE HAAS LUXURY LIVING ON ERF 1372

5. SITE ANALYSIS

An analysis of the key site characteristics is summarised in the table below.

TABLE 9: SITE ANALYSIS

	ANALYSIS ASPECT	COMMENTS
1	Engineering Services Availability	The property is located in an established urban area within the urban edge and already has direct access to all engineering services.
2	Roads & Transport	The property is well served by paved roads and close to public transport routes. It is located in the CBD of Stellenbosch adjacent and close to existing university facilities, shopping malls and other businesses. Access is obtained via Pastorie Street and The Avenue (Die Laan). There is an existing public parking area on Lease Area 1 over Erf 2751 Stellenbosch.
3	Servitudes	There are no servitudes affecting the proposed land uses on the property
4	Topography	The property has a level slope.
5	Geotechnical Status	The proposed use is on an already developed property and does not require a geotechnical report to be prepared.
6	Environmental Characteristics	The subject property is located in an established urban area. Lease Area 1 is already transformed and currently used as a parking area whilst Lease Area 2 is also already transformed and built-up. The Eerste River forms the southern boundary of the property.
7	Heritage Characteristics	The property is located in the Historical Centre of Stellenbosch. A search on the South African Heritage Resources Information System (SAHRIS) on 11 July 2019 revealed that the subject property is not listed as either a National or Provincial Heritage Site. The search revealed that the closest National or Provincial Heritage Sites includes the following: <ul style="list-style-type: none"> • Georgian dwelling located at 24 The Avenue, Stellenbosch (Erf 1406, Stellenbosch). • Dwelling known as "Moedersloot" located at 8 The Avenue, Stellenbosch (Erf 1370, Stellenbosch) • The oak trees in The Avenue between Pastorie Street and Van Riebeeck Street have been proclaimed historical monuments. <p>The small building adjacent to the Hall is older than 60-years as reflected by its building plan which was approved in 1926³. The Agricultural Hall was approved in 1975 according to its building plan⁴.</p>

³ Building Plan BP497 approved 7/09/1926.

⁴ Building Plan BP9461 approved 16/07/1975

6. DEVELOPMENT PROPOSAL

6.1 BACKGROUND

The Stellenbosch Municipality owns various properties in its nodes and central business areas, many of which are underutilised or not optimally utilised and/or lying dormant. As part of its strategy for inclusive economic growth, one of the key objectives identified by the municipality is to "make it easier for small enterprises to succeed in competitive markets"⁵.

Small businesses have numerous challenges, especially in its establishment and early development phases. Some of these challenges include access to market opportunities, financial capital, human resources, and land and/or facilities. Having access to these markets and inputs means the difference between growing a small business or closing its doors. The municipality has an enabling role which is to assist small businesses and entrepreneurs to not only establish themselves but also to create an environment for them to grow.

As such, the Stellenbosch Municipal Council, at its 7th meeting held on 29 March 2017, granted approval for the establishment of Local Economic Development (LED) Hubs on a number of municipal owned properties. One of these properties is Erf 2751, Stellenbosch, also known as the "Old Agricultural Hall" or "Ou Landbousaal". The Council confirmed at the aforementioned meeting that the properties are not required for the provision of the minimum level of basic municipal services in terms of Section 14 of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003); and furthermore authorised the Municipal Manager to follow the prescribed process for the leasing of the relevant properties.

A Call for Proposals for the lease of the LED Hubs were subsequently advertised and closed on 19 September 2017. A total of six applicants submitted proposals to lease the facilities on Erf 2751, Stellenbosch. At its 18th meeting held on 25 July 2018, the Council adopted the following resolutions relating to the LED Hubs:

"(a) that Council adopts the recommendation to award the leases of the Local Economic Development Hubs to the entities that scored the highest points for each property, as follows:

Property	Applicant
1. <i>The Old Clinic Building (Erven 6487 & 6488)</i>	<i>Ranyaka</i>
2. <i>Triangle Building (Erf 228)</i>	<i>Hugenote Fine Chocolates</i>
3. <i>Mooiwater Building (Erf 2253)</i>	<i>ABC Empowerment</i>

(b) that once Council approves and awards the leasing rights to the highest scoring applicant, the Director Corporate Services be mandated to draft and sign lease agreements with the successful applicants;

(c) that the contract must make provision for termination on non-performance in terms of the agreement;

(d) that the contract be awarded for a period of 9 years and 11 months; and

(e) that the awarding of rights of the Old Agricultural Hall to the Stellenbosch Craft Alive and Stellenbosch Trail Fund be awarded, conditional to the settlement of the outstanding legal dispute."

The legal dispute referred to above, followed the decision of the Stellenbosch Municipal Planning and Economic Development Committee on 5 August 2014 (Land Use Application Number LU/1917) to approve the following land use rights on Erf 2751, Stellenbosch:

*"(a) That the application for the closure of Lease Area No.1 & Lease Area No.2 that is zoned as Public Open Space, **BE APPROVED** in terms of Section 137(1) of the Municipal Ordinance, 1974 (No.20 of 1974);*

⁵ Stellenbosch LED Strategy & Action Plan, June 2014.

*(b) that the application for the subdivision in order to register a lease area, namely Lease Area No.1, over Erf 2751, Stellenbosch of ±1020m² in extent, as well as the registration of a lease area, namely Lease Area No.2, over Erf 6314, Stellenbosch of ±1576m² in extent, as per Drawing No. APPL_2 dated 26 April 2011, drawn by Friedlaender, Burger & Volkmann, attached as Appendix 3, **BE APPROVED** in terms of Section 25 of the Land Use Planning Ordinance, 1985 (Ordinance No. 15 of 1985), subject to the conditions as set out in APPENDIX 1; and;*

*(c) that the application for the rezoning of Lease Area No.1 & Lease Area No.2 from Public Open Space to Specific Business in order to establish a parking area on Lease Area No.1, and to operate a restaurant within the existing Stellenbosch Agricultural Hall, as well as the associated outbuildings on Lease Area No.2, as per Drawing No. APPL_2 dated 26 April 2011, drawn by Friedlaender, Burger & Volkmann, attached as Appendix 3, **BE APPROVED** in terms of Section 16 of the Land Use Planning Ordinance, 1985 (Ordinance No. 15 of 1985), subject to the conditions as set out in APPENDIX 1."*

Mr Piet Smit of the Stellenbosch Municipality confirmed telephonically on 14 August 2019 that the aforementioned legal dispute has in the meantime been resolved / settled.

6.2 OBJECTIVE(S)

The economic objectives of the proposed land uses are as follows:

- To provide access to strategically located and valuable land;
- To empower historically disadvantaged individuals through training, mentoring, guidance and support in business administration;
- To promote the development of small, medium and micro enterprises;
- To promote and enable job creation;
- To promote and enable the feasible, sustainable and competitive enterprises that can support existing economic activities in the local community.

The planning and land use objectives are as follows:

- To further the aims of the IDP, LED Strategy, SDF and the relevant Town Planning Scheme;
- To adhere to the municipality's land use management requirements;
- To create an activity that is compatible with, and complements the surrounding already developed areas;
- To optimise the utilisation of the property in order to maximise its economic potential;
- To enhance the overall public benefit derived from the use of and access to the property.

The following key design objectives have been identified:

- Ensure that any future remodelling and renovations will encompass, retain and conform to the architectural features and character of the surrounding area;
- To provide universal public access to people with disabilities;
- To promote pedestrian movement through safe access and appropriate facilities;
- To comply with any design guidelines required by municipal departments and other relevant authorities;
- To comply with all heritage requirements, if and where applicable.

6.3 PROPOSED ZONING(S) AND LAND USE(S)

The municipality's intention with this application is to obtain the relevant land use rights to use a portion of this property (i.e. Lease Areas 1 and 2 over Erf 2751, Stellenbosch) as a LED Hub / Business Development Incubator and associated parking area.

In terms of the provisions of the Stellenbosch Zoning Scheme Regulations, 1996 and the Stellenbosch Land Use Planning By-Law, 2015; this application intends to:

- Close a part of the Public Open Space, being Lease Area 1 (1020m² in extent) and Lease Area 2 (1517m² in extent) over Erf 2751, Stellenbosch, in terms of Section 15(2)(n) of the Stellenbosch Land Use Planning By-Law, 2015.
- In terms of Section 15(2)(a) of the Stellenbosch Land Use Planning By-Law, 2015: Rezone Lease Area 1 (1020m² in extent) over Erf 2751, Stellenbosch from **Public Open Space** to **Local Authority (Public Parking)**.
- In terms of Section 15(2)(a) of the Stellenbosch Land Use Planning By-Law, 2015: Rezone Lease Area 2 (1517m² in extent) over Erf 2751, Stellenbosch from **Public Open Space** to **General Business**.
- In terms of Section 15(2)(i) of the Stellenbosch Land Use Planning By-Law, 2015: Extend the validity period of a temporary departure previously approved under application number LU/4710 on 16 September 2016, in order to use Erf 2751, Stellenbosch and a portion of the road known as "Die Laan", for a one day event (Heritage Festival) on 24 September, for five years, i.e. 2020 - 2025.

The existing buildings on Lease Area 2 will be leased out and used for office/shop purposes relating to the Arts, Crafts and Tourism Sector. The existing parking use on Lease Area 1 will be maintained. The total area to be rezoned is 2,537m² which is the combined area of Lease Area 1 and Lease Area 2 over Erf 2751, Stellenbosch. A breakdown of the various erf and building areas is shown in the table below.

TABLE 10: SUMMARY OF AREA SIZES

DESCRIPTION	SIZE / EXTENT (m ²)
Erf 2751, Stellenbosch	10,550.00
Unregistered Erf 6314, Stellenbosch	1,576.00
Area to be rezoned	2,537.00
Lease Area 1	1,020.00
Lease Area 2	1,517.00
Total Building Area	±413.00
Building 1 (Agricultural Hall)	±378.00
Building 2 (Building adjacent to Agricultural Hall)	±35.00

The total area of the existing buildings is approximately 413m² according to Building Plan BP9461 which was approved on 16/07/1975.

The following table describes the proposed zoning(s), the proposed primary land uses and the extent thereof.

TABLE 11: PROPOSED ZONING(S) IN TERMS OF THE STELLENBOSCH TOWN PLANNING SCHEME REGULATIONS

PROPERTY	PROPOSED ZONING	PRIMARY LAND USE(S)			
		PROPOSED USES	SIZE / EXTENT		
			ERF AREA (m ²)	BUILDING AREA (m ²)	% OF BUILDING AREA
Lease Area 1	Local Authority (Public Parking)	Public Parking Area	1,020.00		N/A
Lease Area 2	General Business	Offices	1,517.00	±206.50	50%
		Shops		±206.50	50%
TOTAL			2,537.00	±413.00	100%

The existing buildings and parking area are shown on **PLAN 3: TYPICAL SITE LAYOUT PLAN**.

6.4 PROPOSED DEVELOPMENT PARAMETERS

A summary of the proposed planning parameters relating to the proposed General Business zoning on Lease Area 2 is provided in the table below.

TABLE 12: SUMMARY OF PLANNING PARAMETERS FOR LEASE AREA 2 (GENERAL BUSINESS)

PLANNING PARAMETER	PROPOSED LAND USES			COMMENTS
	OFFICES	SHOPS	TOTAL	
Coverage	13.61%	13.61%	27.22%	No change / amendment to zoning scheme parameters required
Bulk / Floor Factor	0.136	0.136	0.272	Requirements not specified in zoning scheme
Height	Maintain current height	Maintain current height	Maintain current height	No change / amendment to zoning scheme parameters required
Building Line - Street	0m	0m	0m	No change / amendment to zoning scheme parameters required
Building Line - Lateral	0m	0m	0m	No change / amendment to zoning scheme parameters required
Building Line - Rear	0m	0m	0m	No change / amendment to zoning scheme parameters required
Parking	8.26	8.26	16.52	No change / amendment to zoning scheme parameters required

More detail tables on each of the planning parameters (coverage, height, bulk / floor factor, building lines, and parking) is provided below.

6.4.1 Coverage

TABLE 13: PROPOSED ZONING PARAMETERS: COVERAGE (LEASE AREA 2)

PROPOSED ZONING	PRIMARY LAND USE(S)	COVERAGE							
		MAX PERMITTED BY ZONING SCHEME			PROPOSED			CHANGE / AMEND	
		Parameter	On this Site (m ²)	On the Rezoned Area (m ²)	Size / Area (m ²)	% of Erf/Site Area	% of Rezoned Area	From	To
General Business	Offices	85%	8,967.50	1,289.45	±206.50	1.96%	13.61%	N/A	N/A
	Shops	85%	8,967.50	1,289.45	±206.50	1.96%	13.61%	N/A	N/A
TOTAL		85%	8,967.50	1,289.45	±413.00	3.91%	27.22%		

The coverage of the proposed land uses does not exceed the permissible coverage for the proposed Rezoned Area in terms of the proposed "General Business" zoning and therefore no application for the change or amendment of this parameter is thus required.

6.4.2 Height

TABLE 14: PROPOSED ZONING PARAMETERS: HEIGHT (LEASE AREA 2)

PROPOSED ZONING	PRIMARY LAND USE(S)	HEIGHT					
		MAX PERMITTED BY ZONING SCHEME		PROPOSED		CHANGE / AMEND	
		Parameter	Meters	No of Floors	Meters	From	To
General Business	Offices	5 Floors	Ground Storey: 4m	Ground Floor	Maintain current height	N/A	N/A
			Other Storeys: 3m				
	Shops	5 Floors	Ground Storey: 4m	Ground Floor	Maintain current height	N/A	N/A
			Other Storeys: 3m				
TOTAL		5 Floors		Ground Floor	Maintain current height		

The height of the existing building(s) will be sufficient and no additional floors are proposed at this point in time for the building on the proposed rezoned area. The existing height of the building also does not exceed the permissible height in terms of the proposed "General Business" zoning and therefore no application for the change or amendment of this parameter is required.

6.4.3 Floor Factor & Bulk

The current Stellenbosch Zoning Scheme Regulations does not specify what the floor factor and bulk in a General Business Zone should be. The table below provides a summary of the proposed floor factor and bulk for the proposed rezoned area of this property.

TABLE 16: PROPOSED ZONING PARAMETERS: FLOOR FACTOR & BULK (LEASE AREA 2)

PROPOSED ZONING	PRIMARY LAND USE(S)	FLOOR FACTOR & BULK					
		MAX PERMITTED BY ZONING SCHEME		PROPOSED		CHANGE / AMEND	
		Floor Factor	Bulk	Floor Factor	Max Bulk (m ²)	From	To
General Business	Offices	Not specified	Not specified	0.136	±206.50	N/A	N/A
	Shops	Not specified	Not specified	0.136	±206.50	N/A	N/A
TOTAL				0.272	±413.00		

6.4.4 Building Lines

The building line parameters for the proposed General Business Zone is shown in the table below.

TABLE 16: PROPOSED ZONING PARAMETERS: BUILDING LINES (LEASE AREA 2)

BOUNDARY	FLOOR	BUILDING LINES							
		ZONING SCHEME REQUIREMENTS FOR GENERAL BUSINESS ZONE			PROPOSED		CHANGE / AMEND		
		Meters	Comments	Meters	Comments	From	To		
Street	Ground	0	Refer to Section 10.5.3 of the Stellenbosch Zoning Scheme Regulations, 1996, page 19 and 20	0	Maintain the "General Business" zoning parameter	N/A	m	N/A	m
Lateral	Ground	0	Refer to Section 10.5.3 of the Stellenbosch Zoning Scheme Regulations, 1996, page 19 and 20	0	Maintain the "General Business" zoning parameter	N/A	m	N/A	m
Rear	Ground	0	Refer to Section 10.5.3 of the Stellenbosch Zoning Scheme Regulations, 1996, page 19 and 20	0	Maintain the "General Business" zoning parameter	N/A	m	N/A	m

No amendments or changes are proposed to the "General Business" zoning's building line parameters.

6.4.5 Parking

The minimum required parking spaces in terms of the Stellenbosch Zoning Scheme Regulations, 1985 for the proposed General Business zoning is shown in the following table.

TABLE 17: PROPOSED ZONING PARAMETERS: PARKING (LEASE AREA 1)

PROPOSED ZONING	PRIMARY LAND USE(S)	PARKING				
		ZONING SCHEME REQUIREMENTS FOR BUSINESS ZONE		PROPOSED		CHANGE / AMEND
		Parameter	Minimum Number of Bays	This Site (m ² parking)	No of Bays	From To
General Business	Offices	1 Gross ⁶ Parking Space per 25m ² Gross Leasable Shop & Office Floor Space	1.00	±206.50	8.26	N/A N/A
	Shops	1 Gross Parking Space per 25m ² Gross Leasable Shop & Office Floor Space	1.00	±206.50	8.26	N/A N/A
TOTAL			1.00	±413.00	16.52	N/A N/A

Based on the existing building's floor space, it is estimated that at least 16 parking bays need to be provided in order to meet the minimum requirements for the "General Business" zone on Lease Area 2. The aforementioned minimum requirement can comfortably be accommodated on the existing parking area (Lease Area 1) which has approximately 28 parking bays as indicated on **PLAN 3: TYPICAL SITE LAYOUT PLAN**.

There is thus no change or amendment required to the Stellenbosch Zoning Scheme Regulations' minimum requirements for parking on this site.

⁶ "Gross Parking Space" is defined by the Stellenbosch Zoning Scheme Regulations, 1986 as "...an area which incorporates one parking bay together with the internal circulation and landscaping space which is required for one parking bay". "Parking Bay" is defined as "...an area measuring not less than 5.5m by 2.5m which is clearly outlined and demarcated for the parking of one motor vehicle and which is accessible to the satisfaction of the Council". The area of a Parking Bay excluding circulation space can thus be calculated as 13.75m². The aforementioned zoning scheme regulations does not specify what the extent of circulation space is.

7. PLANNING MOTIVATION IN SUPPORT OF THE APPLICATION

7.1 LAND USE DECISION CRITERIA

Section 65 of the Stellenbosch Land Use Planning By-Law, 2015, sets out the general criteria that needs to be considered when a land use application is submitted. Section 38(1)(f) indicates that the written motivation of the application must be based on the criteria in Section 65.

7.2 CONSISTENCY WITH RELEVANT NATIONAL & PROVINCIAL DEVELOPMENT PRINCIPLES

The proposed land use is consistent with the development principles contained in Chapter 2, Section 7 of SPLUMA and Chapter 6, Section 59 of LUPA.

TABLE 18: CONSISTENCY WITH SPLUMA (Act 16 of 2013) AND LUPA (Act 3 of 2014)

APPLICABLE SECTIONS	DEVELOPMENT PRINCIPLES	COMMENTS
SPLUMA, Section 7(a) LUPA, Section 59(1)	Spatial Justice	The proposed land use will provide access to and the use of facilities, technology and business support services that will enable entrepreneurs, start-ups and SMME's from surrounding communities to grow and develop.
SPLUMA, Section 7(b) LUPA, Section 59(2)	Spatial Sustainability	The proposed land use is consistent with the principle of spatial sustainability: <ul style="list-style-type: none"> • The property is located within the existing approved urban edge and the proposed land use does not encourage urban sprawl. • It will make use of existing available infrastructure services capacity. • The proposed land use will improve the viability of the community by providing access to business development incubator facilities, technology and services.
SPLUMA, Section 7(c) LUPA, Section 59(3)	Efficiency	Existing under-utilised municipal facilities and infrastructure will be used. The proposed land use improves the integration of economic opportunities in close proximity to the surrounding residential areas. The proposed land use will also improve the quality and functionality of the existing under-utilised public facilities.
SPLUMA, Section 7(d) LUPA, Section 59(5)	Spatial Resilience	A key objective of the proposed land use in this application is to improve the livelihoods of the surrounding communities to ensure sustainable growth and development. According to the principle of spatial resilience (S59(5) of LUPA), "flexibility in spatial plans, policy and land use management systems is accommodated to ensure sustainable livelihoods in communities most likely to suffer the impact of economic and environmental shocks".
SPLUMA, Section 7(e) LUPA, Section 59(4)	Good Administration	The application complies with and is submitted in accordance with the legislated land development processes and procedures.

7.3 CONSISTENCY WITH RELEVANT NATIONAL & PROVINCIAL PLANNING FRAMEWORKS AND POLICIES

7.3.1 National Development Plan (NDP), 2012

The National Development Plan identified nine (9) main challenges that need to be addressed in South Africa. The proposed land use(s) in this application contributes as a response to some of those national challenges. The national challenges, the suggested national responses and the relevance to this land use application is highlighted in the table below.

TABLE 19: CONSISTENCY WITH NATIONAL DEVELOPMENT PLAN (NDP), 2012

NDP CHALLENGES		NDP RESPONSE	HOW THIS PROPOSED DEVELOPMENT RESPONDS
1	Unemployment	Create jobs and livelihoods	This proposed land use responds directly to this national challenge by aiming to provide business opportunities and support services for entrepreneurs in the local community which can eventually create jobs and improve the livelihoods of the community. It responds to the following proposal contained on page 12 of the NDP: <i>"Support small businesses through better coordination of activities in small business agencies, development finance institutions, and public and private incubators".</i>
2	Infrastructure poorly located and inadequate	Expand infrastructure	Not application to this application.
3	Exclusive spatial patterns	Transform urban and rural spaces	This proposed land use will take place within the existing urban edge and is aimed at assisting young entrepreneurs and small businesses.
4	Resource consumptive economy	Transition to a low-carbon economy	Not application to this application.
5	Poor quality education	Improve education and training	Not application to this application.
6	Widespread disease burden and poor services	Provide quality health care	Not application to this application.
7	Poor quality public service	Build a capable state	Not application to this application.
8	Corruption	Fight corruption and increase accountability	Not application to this application.
9	Divided society	Transform society and unite the nation.	This proposed land use contributes to the transformation of society because one of its key aims is <i>"Reducing poverty and inequality by broadening opportunity through economic inclusion, education and skills, and specific redress measures"</i> (NDP, p25).

7.3.2 OneCape 2040

The OneCape 2040 strategy is a Western Cape initiative that aims to *"scope a long-term economic vision and plan involving all key Western Cape economic leaders as well as citizens for the next 30 to 40 years"*. Its primary goal is to create *"a resilient, inclusive and competitive Western Cape with higher rates of employment producing growing incomes, greater equality and an improved quality of life"*. Its vision is to have *"a highly-skilled, innovation driven, resource efficient, connected, high opportunity and collaborative society"*.

Local government's role in achieving this vision is as follows:

- Integrated neighbourhoods and upgrading the built environment;
- Integrated services planning and provision

One of the six transitional areas identified in this strategy relates to ***"Economic Access Transition (Working Cape)"***. The aim is to change from a currently *"Factor and efficiency-driven economy with high barriers to entry and low productivity and entrepreneurship rates"* to a *"Innovation-driven economy with low barriers to entry, high productivity and entrepreneurship rates"*.

This proposed land use aims to contribute to this transitional change and is part of the municipality's initiatives to fulfil its role in the OneCape 2040 vision.

7.3.3 WC Provincial Spatial Development Framework (PSDF), 2014

The latest approved PSDF is dated March 2014. The Western Cape PSDF aims to:

- Give spatial expression to the National and Provincial development agendas;
- Serve as a basis for coordinating, integrating and aligning 'on the ground' delivery of National and Provincial departmental programmes;
- Support municipalities to fulfil their municipal planning mandate in line with the National and Provincial agendas; and
- Communicates government's spatial development intentions to the private sector and civil society.

The 2014 PSDF applies five (5) key principles to achieve its spatial vision for the province. These five principles are aligned with the development principles contained in Section 7 of SPLUMA (Act 16 of 2013) and Section 59 of LUPA (Act 3 of 2014) and talks about Spatial Efficiency, Spatial Justice, Sustainability & Resilience, Quality & Liveability and Accessibility. This proposed land use's consistency with these principles have already been highlighted in a previous section. This proposed land use is also consistent with the three spatial themes of the Western Cape PSDF:

- **Resources:** The proposed land use will use existing resources within the urban edge. It also does not threaten or impact negatively on any scenic and unique cultural landscapes.
- **Space Economy:** It aims to revitalise and strengthen the urban space economy in the local area by providing opportunities for small business development within the existing local neighbourhood by using existing underutilised economic assets.
- **Settlement:** It promotes an integrated and sustainable settlement by connecting economic opportunities with local neighbourhoods. It promotes the sustainable use of resources by optimising the use of existing underutilised municipal facilities within the urban edge.

7.4 CONSISTENCY WITH RELEVANT LOCAL PLANNING FRAMEWORKS AND POLICIES

7.4.1 Municipal IDP

The Municipality's IDP dated May 2019 identified various projects and priorities for all its Wards. It also highlights the policies and strategies of the different sector plans.

The municipality identified 5 strategic focus areas, the first being "Valley of Possibility". Under this strategic focus area there are 4 predetermined objectives of which the first objective is to "Create an environment conducive to business development and job creation". There are furthermore three (3) 5-year programmes identified to achieve the aforementioned objective of which the second programme is "Develop local economic development hubs" (IDP, p80).

The LED Hubs has also been identified as one of the Legacy Projects in Chapter 6 of the IDP (p125 and p179). The IDP provided the following description of these LED Hubs: "Establish local economic development hubs and allow for the outsourcing of the management of the Hubs to improve efficiency and to strengthen local business opportunities. These hubs will provide to provide entrepreneurs, start-up businesses or growth-orientated SMME's access to appropriate rental space, affordable businesses services, flexible leases and access to the mainstream economic activities, where better market access could improve their success ratios".

The Stellenbosch Municipal Council furthermore took a resolution on 29 March 2017 that approval be granted for the establishment of Local Economic Development (LED) Hubs on several municipal properties located in the Stellenbosch municipal area.

7.4.2 Municipal SDF

The current approved MSDF is dated 28 May 2018. At the time of preparation of this report a new final 2019 MSDF has not been approved yet.

The municipality's SDF identified seven (7) "strategic perspectives" to guide spatial development in the area of jurisdiction of Stellenbosch with clearly identified development principles under each of perspective. The seven strategic perspectives and the development principles applicable to this application are summarised in the following table.

TABLE 20: MSDF (2018) STRATEGIC PERSPECTIVES & DEVELOPMENT PRINCIPLES IN SUPPORT OF THIS APPLICATION

STRATEGIC PERSPECTIVE	DEVELOPMENT PRINCIPLES CONSISTENT WITH THE PROPOSED LAND USE(S) IN THIS APPLICATION	COMMENTS
Interconnected Nodes	<ul style="list-style-type: none"> The usage of land should be based on its highest and best long-term sustainable use as opposed to its best long term financial return. New development applications should be encouraged to focus on locations within existing settlement nodes rather than greenfields land. 	The site is located within an existing urban settlement. It is currently leased out, and the proposed use is believed to be the "best long term sustainable use" of the site.
Car Free Living	<ul style="list-style-type: none"> The primary measure of access is appropriate walking distance. At least 50% of activities found within the urban area (e.g. employment, shopping, public transport, social & recreational) should be within 1 km of where people live. 	The proposed LED Hub is centrally located in Stellenbosch Town and is within walking distance of public transport routes and other businesses.
Inclusive Economic Growth	<ul style="list-style-type: none"> Areas of land should be set aside, and if necessary expropriated to provide SMMEs with access to well-located parts of the CBDs for retail, service provision and manufacturing. 	The central location of the site within Stellenbosch Town provides access to business support and other services and opportunities for

STRATEGIC PERSPECTIVE	DEVELOPMENT PRINCIPLES CONSISTENT WITH THE PROPOSED LAND USE(S) IN THIS APPLICATION	COMMENTS
	<ul style="list-style-type: none"> Marketplaces should be created in central locations that are able to intercept significant pedestrian flows, preferably linked to public transport interchanges. 	entrepreneurs and SMME's in the local community. It is also well-located to existing public transport routes and pedestrian flows in the area.
Optimal Land Use	<ul style="list-style-type: none"> Land should be used for its most sustainable and appropriate use whether publicly or privately owned. 	The property is currently being leased out, and the proposed land use is believed to be an appropriate and sustainable use.
Resource Custodianship	<ul style="list-style-type: none"> Achieving a sustainable future for Stellenbosch will depend on its ability to make best use of available resources for the benefit of all. 	The property is located in an established urban area. It will have an insignificant impact on the demand for existing available resources.
Food and Agriculture		Not applicable to this application
Heritage	<ul style="list-style-type: none"> Building heights and architectural styles should be controlled within 200m of any prominent road so as to preserve the heritage of the built environment. 	The heritage value of the existing building will be maintained as a minimum and improved (if necessary) within the relevant heritage guidelines.

The following table provides an interpretation on whether the proposed land use is consistent with the provisions of the current approved 2018 MSDF and the new Final Draft 2019 MSDF.

TABLE 21: CONSISTENCY OF THE PROPOSED LAND USE WITH THE MSDF

PROPERTY	CURRENT APPROVED 2018 MSDF	FINAL DRAFT 2019 MSDF
Erf 2751 Stellenbosch	The property is located within the urban edge. No specific designation has been given to the property in the MSDF (MSDF, p35)	The property is located within the urban edge within an area allocated to the "Urban Development" spatial planning category (SPC)(MSDF Figure 26, p64). In terms of the Stellenbosch Framework it is located within the area designated as "Existing and Proposed Urban Character Areas" (MSDF Figure 28, p68)

In conclusion, the following can be noted about the proposed land use(s) in this application:

- It is consistent with the SDF's strategic perspectives, development principles and settlement proposals.
- A motivation to deviate from and amend the SDF is not necessary and therefore arguments for site specific circumstances are not required in this planning motivation.

7.4.3 District SDF

At the time of preparation of this report the Cape Winelands District Municipality's latest approved SDF is dated 2009/2010. An updated SDF was not yet available at the time of preparation of this application.

The core spatial development principles in the Cape Winelands District SDF is consistent with the Stellenbosch Municipality's SDF. The planning principles that informed the 2009/2010 District SDF (p30) include sustainability, efficiency, integration, consistency and vertical equity. The new SDF that is currently prepared is based on the principles contained in SPLUMA (Act 16 of 2013) which includes the aforementioned principles and more.

The current approved SDF (2009/2010) has as one of its many development directives the following (p34): *"Broadening access to economic opportunities through: ...Strengthening the co-operation mechanism between the private sector and government for the facilitation of appropriate economic development"*. It furthermore identified (p36) *"Small business support"* as one of its key *"Programmes and projects"*, and amongst others, it promotes as one of its objectives (p69) *"...the concentration and intensification of human and economic activities within the current land footprint and in areas of high accessibility"*.

The proposed land uses in this application is aligned with the principles, objectives, programmes and projects of the District SDF. It can therefore be said that:

- This application is consistent with the District SDF.
- A motivation to deviate from and amend the District SDF is not necessary and therefore arguments for site specific circumstances are not required in this planning motivation.

7.5 SUITABILITY OF THE SITE

The suitability of the site in terms of its location, accessibility and physical characteristics is discussed in the table below.

TABLE 22: MOTIVATION IN TERMS OF SITE SUITABILITY

	SUITABILITY IN TERMS OF	MOTIVATION / COMMENTS
1	Location	The site is centrally located within the urban edge and within the town of Stellenbosch.
2	Roads & Transport	Access to the property is obtained from The Avenue (Die Laan) Street. The surrounding streets are paved and in a good condition. The traffic that the proposed land uses will generate will originate from the existing community in Stellenbosch and will be approximately the same as the existing traffic that is generated by the existing land use. Any increase in traffic, if any, will thus be negligible. The property is located close to existing public transport routes and services. This property and the proposed land uses on the property do not affect any Provincial or National Roads.
3	Parking	Parking is available on the street and sufficient space exist onsite in the existing parking area which is located on Lease Area 1.
4	Engineering Services	The property is located in an area that is already serviced. There is no increase in density and thus the demand for services will be negligible.
5	Servitudes	There are no servitudes affecting the property and the proposed land uses on the property. The property and the proposed land uses on the property do not affect any Eskom owned land and/or servitudes. The property and the proposed land uses on the property do not affect any Telkom owned land and/or servitudes. The property and the proposed land uses on the property will not affect any Transnet / PRASA owned land and/or servitudes.
6	Topography	The site does not have any topographical restrictions for the proposed use(s). The proposed land use(s) will be accommodated on an existing developed property and will therefore not have a negative impact on the topographical characteristics of the site.
7	Geotechnical Conditions	The proposed land use(s) will be accommodated on an existing developed property and will not have a negative impact on the geotechnical characteristics of the site.
8	Flood Lines	The Eerste River forms the southern boundary of the property. There are no flood lines affecting the property and the proposed land use on the property.

	SUITABILITY IN TERMS OF	MOTIVATION / COMMENTS
9	Alternative Uses	The site does have the potential for other alternative uses, however, given the prioritised needs identified within this community and the municipality's IDP, the proposed use would be the most suitable.

7.6 OTHER IMPLICATIONS OF THE PROPOSED LAND USE(S)

Comments on other possible implications of the proposed land uses are provided in the table below.

TABLE 23: OTHER IMPLICATIONS OF THE PROPOSED LAND USE(S)

IMPACT	MOTIVATION / COMMENT
Environmental & Botanical Impact	<p>The site is already developed, and the proposed land use(s) will make use of the existing buildings and infrastructure. The proposed land use(s) will thus have no negative impact on environmental and botanical resources.</p> <p>Mr Schalk van der Merwe of the Stellenbosch Municipality's environmental department was consulted prior to the submission and requested whether there are any environmental issues to take note of in this application. His response, received via email on 20 August 2019, is quoted below:</p> <p><i>"With regards to the Agricultural Hall site, the change in the use of the site does not raise any red flags (i.t.o. applicable environmental legislation triggers). Any physical activity or construction that will take place on the site will be a different matter though and must be considered once such details becomes clear. From an environmental planning point of view future operations of the site as LED Hub must be sensitive to the environmental features of the site, such as the river, and activities (i.t.o. effluent, general- or human waste, etc) on site must not be allowed to impact thereon.</i></p> <p><i>Operationally it is also important that the proposals take into account the requirements of the Western Cape Noise Control Regulations (2013)*.</i></p>
Heritage Impact	<p>The site is located within the historical centre of Stellenbosch and the smaller building is older than 60-years as reflected by its building plan which was approved in 1926 . The Agricultural Hall was approved in 1975 according to its building plan.</p> <p>A search on the South African Heritage Resources Information System (SAHRIS) on 11 July 2019 revealed that the subject property is not listed as either a National or Provincial Heritage Site. The search revealed that the closest National or Provincial Heritage Sites includes the following:</p> <ul style="list-style-type: none"> • Georgian dwelling located at 24 The Avenue, Stellenbosch (Erf 1406, Stellenbosch). • Dwelling known as "Moederstoep" located at 8 The Avenue, Stellenbosch (Erf 1370, Stellenbosch) • The oak trees in The Avenue between Pastorie Street and Van Riebeeck Street have been proclaimed historical monuments. <p>The existing building will be used for the proposed land uses. The nature of the land uses will not have a negative impact on the existing heritage and cultural value of the surrounding area. The heritage value of the existing building will furthermore be protected and maintained in accordance with relevant heritage legislation, policies and guidelines.</p> <p>Should any changes or improvements be done to the existing buildings, it will be done after all relevant approvals have been obtained.</p>
Compatibility with the Surrounding Area	<p>The property is located centrally in the town of Stellenbosch. A mix of residential, commercial residential, boutique hotel and university uses are already found in the surrounding area. The proposed land uses are compatible with the surrounding area.</p>
Socio-Economic Impact	<p>The community identified the need for a LED Hub (Business Incubator) and the site as a priority in the municipality's IDP. The proposed land uses aim to improve access to markets and provide opportunities to improve the success rate of small businesses. This will have a positive impact on the socio-economic development of the community.</p>
Social & Public Facilities	<p>This proposal does not lead to densification and will thus have no impact on the existing number of social and public facilities in the area.</p>

IMPACT	MOTIVATION / COMMENT
Surrounding Property Values	The proposed land uses will not devalue the surrounding property values. In fact, the optimal use of the current facilities may more than likely improve the value of this property and subsequently have a positive impact on the surrounding property values.
Safety & well-being of the Surrounding Community	The proposed land uses create opportunities for entrepreneurs which will improve the well-being of the surrounding community. Access to economic opportunities furthermore creates jobs which is one of the "tools" to fight crime and eventually improves the safety of communities. The proposed land use(s) will not have a negative impact on the safety & well-being of the surrounding community.

8. CONCLUSION

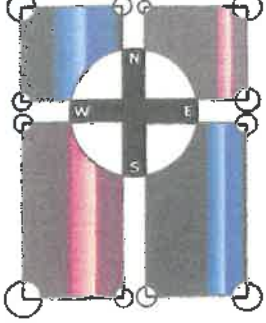
In conclusion, the proposed land uses will be accommodated on a property which is:

- Already developed and serviced;
- Currently underutilised;
- Located in an established area within the urban edge; and
- Identified by the Stellenbosch Municipal Council as the preferred location for the establishment of an LED Hub.

The proposed land uses are furthermore consistent with the relevant local planning policies and frameworks. It is therefore recommended that this application be approved.

PLAN 1: LOCALITY PLAN

PLAN 4 SA

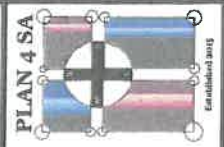


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HEAD OFFICE

PO Box 1152,
Cape Gate,
7582

Unit 5, Stellen Villa,
Kronendal Crescent,
Stellenberg,
7550




PROFESSIONAL PLANNERS & PROJECT MANAGERS
MARTIN JONKER
 Tel: 084-410-8132
 Fax: 086-624-6738
 Email: martin@plan4sa.co.za
 Web: www.plan4sa.co.za
 PROJECT NUMBER: 18P001
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DRAWING DISCIPLINE CODES
 TRP: Town & Regional Planning
 TP: Transportation Planning
DRAWING STATUS CODES
 D: Draft
 F: Final
DRAWING NUMBER
 18P001-EZ/2751/8TB-TRP-LP001-F-20190827-Rev 00

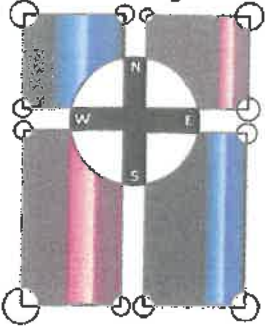
DRAWING TITLE CODES
 LP: Locality Plan
 LUP: Land Use Plan
 SDP: Site Development Plan
 SLP: Site Layout Plan
 SUB: Subdivision Plan
 ZP: Zoning Plan

DRAWING TITLE			
LOCALITY PLAN			
PLAN NUMBER	SCALE	SHEET SIZE	SHEET NUMBER
1	1:4	A4	1 of 1
PROJECT NAME			
Rezoning of a Portion of Erf 2751 Stellenbosch			

CLIENT / OWNER INFORMATION
 STELLENBOSCH MUNICIPALITY
 Mr Widmark Moses
 Tel: 021-809-9074
 Mobile: 082-678-8480
 Email: widmark.moses@stellenbosch.gov.za



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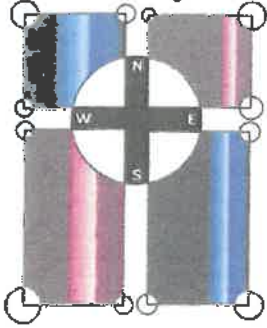
PLAN 2: LAND USE PLAN

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7562

Unit 5, Stellen Villa,
Kronendal Crescent,
Stellenberg,
7550

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PLAN 3: TYPICAL / CONCEPT SITE LAYOUT PLAN

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7562

Unit 5, Stellen Villa,
Kronendal Crescent,
Stellenberg,
7550

THE AVENUE ("DIE LAAN")



LEGEND	LEGEND NOTES	AREA (m ²)
	Erf 2751 Stellenbosch	10,550m ²
	Area to be rezoned	2,537m ²
	Total Building Area	±413m ²
	Existing Building 1 (Agricultural Hall)	±378m ²
	Existing Building 2	±35m ²
P1-P26	Existing Onsite Parking	±780m ²
N1	Parking Bay Size (5.5m x 2.5m)	13.75m ²
N2	Existing entrance to & exit from the existing onsite parking on Lease Area 1	
N3	Existing buildings on Lease Area 2 to be used for office/retail purposes.	
N4	Lease Area 1 over Erf 2751 to be rezoned to "Local Authority (Public Parking Area)".	1020m ²
N5	Lease Area 2 over Erf 2751 to be rezoned to "General Business".	1517m ²
N6	The remainder of Erf 2751, Stellenbosch to remain Public Open Spaces.	±8,013m ²

CLIENT / OWNER INFORMATION
 STELLENBOSCH MUNICIPALITY
 Mr. Wilmink Mosee
 Tel: 021-808-6974
 Mobile: 082-678-6480
 Email: wilmink.mosee@stellenbosch.gov.za

DRAWING TITLE
 TYPICAL SITE LAYOUT PLAN

PLAN NUMBER	SCALE	SHEET SIZE	SHEET NUMBER
3	Not to scale	A4	1 of 1

PROJECT NAME
 LAND USE APPLICATION(S) OVER A PORTION OF ERF 2751 STELLENBOSCH

DRAWING TITLE CODES
 CP: Contamination Plan
 LP: Locality Plan
 LUP: Land Use Plan
 SDP: Site Development Plan
 SLP: Site Layout Plan
 SUB: Subdivision Plan
 ZP: Zoning Plan

DRAWING DISCIPLINE CODES
 TRP: Town & Regional Planning
 TP: Transportation Planning

DRAWING STATUS CODES
 D: Draft
 F: Final

DRAWING NUMBER
 18P001-E2751/STB-TRP-SLP001-F-20190626-Rev 02

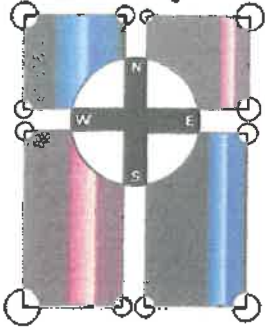
PROFESSIONAL PLANNERS & PROJECT MANAGERS
 MARTIN JONKER
 Tel: 084-470-6132
 Fax: 086-624-8738
 Email: martin@plan4sa.co.za
 Web: www.plan4sa.co.za

PROJECT NUMBER: 18P001
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ANNEXURE 1: POWER OF ATTORNEY

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7562

Unit 5, Stellen Villa,
Kronendal Crescent,
Stellenberg,
7550

POWER OF ATTORNEY

I / we, the undersigned,

Petrus Du Plessis Smit

(Name(s) of registered owner(s) / applicant)

ID-number(s)

6012095093083

(ID number(s) of registered owner(s) / applicant)

in my / our capacity as the authorised representative of the owner(s) of the following property(ies)

Erf 2235 Franschoek (Groendal)(Mooiwater Homestead / Old Youth House)**Erf 2751 & Erf 6314 Stellenbosch (Old Agricultural Hall)****Erf 228, Erf 229 & Erf 230 Franschoek (Franschoek Triangle Site)****Erf 6487, Erf 6488, Erf 6490, Erf 1956 & Erf 1957 Stellenbosch (Old Clinic Site & LED Office)****Portion 2 of the Consolidated Farm Cloetesdal 81, Portion 9 of the Consolidated Farm Cloetesdal 81, the Remainder of Farm 181 and the Remainder of the Farm Grootvlei 183 (Kayamandi Economic & Tourism Corridor)**

(Property descriptions)

hereby nominate, constitute and appoint

PLAN 4 SA (Pty) Ltd or Its NOMINEE (Mr Martin Jonker)

(Agent / Consultant's Name)

with power of substitution to be my lawful agent in my name, place and stead to act on my behalf to apply for the relevant land use rights being sought for the aforementioned property(ies). Furthermore to represent me at any and all enquiries to be held by virtue of such appointment, and generally to do or cause to be done whatever shall be required for all intents and purposes as I might or could do if personally present and acting myself, hereby ratifying everything my Attorney(s) and Agent(s) shall lawfully do or cause to be done by virtue of this Power of Attorney. Accordingly, power of attorney is hereby also granted to the agent to sign and receive all correspondence in respect of the matter referred to above during the application process.

Signed at

Stellenbosch Municipality

on

2019-02-14

(Place)

(Date)

in the presence of the undersigned witnesses.

For OWNER / APPLICANT / CLIENT

For PLAN 4 SA (Pty) Ltd

Petrus Du Plessis Smit

Martin Jonker (A/1090/1999)

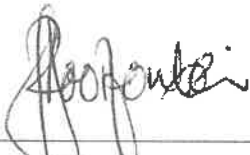
FULL NAME

FULL NAME & SACPLAN REGISTRATION NR



OWNER / APPLICANT / CLIENT SIGNATURE

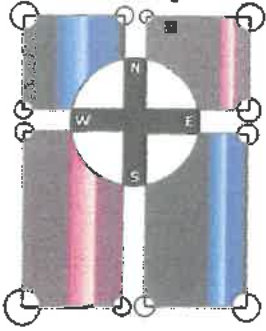
PLAN 4 SA (Pty)Ltd Representative SIGNATURE



WITNESS 1 SIGNATURE

WITNESS 2 SIGNATURE

PLAN 4 SA



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ANNEXURE 2: SG DIAGRAM

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Stellenberg,
7550

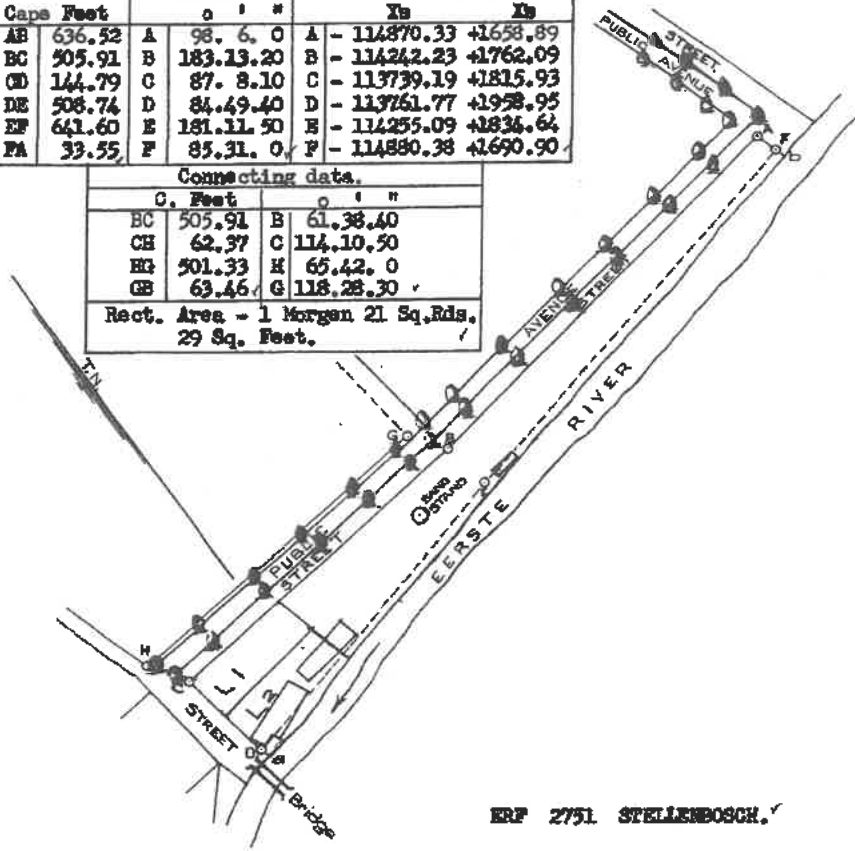
No. 2158/1907.

The numerical data of this diagram are sufficiently consistent.
 (Sgd.) M.C. Vos.
 Examiner.

SIDES		ANGLES			CO-ORDINATES	
Cape Feet		o	'	"	X _a	Y _a
AB	636.52	A	98.6	0	- 114870.33	+1658.89
BC	305.91	B	183.13	20	- 114242.23	+1762.09
CD	144.79	C	87.8	10	- 113739.19	+1815.93
DE	508.74	D	84.49	40	- 113751.77	+1978.95
EF	641.60	E	181.11	50	- 114255.09	+1836.64
FA	33.55	F	85.31	0	- 114850.38	+1690.90

Connecting data.					
C. Feet		o	'	"	
BC	505.91	B	61.38	40	
CH	62.37	C	114.10	50	
HI	301.33	H	65.42	0	
GE	63.46	G	118.28	30	

Rect. Area - 1 Morgen 21 Sq.Rds.
 29 Sq. Feet.



Scale: 200 Cape Feet = 1 Inch. 1" = 2500'

The above figure A.B.C.D.a. Innerbank of ERSTE RIVER b.F. represents 1 Morgen 199 Square Rods of Crown Land, being Lot No. 11, in the TOWN OF STELLENBOSCH.

Bounded:- N., E. and W. by Streets.
 S. by Innerbank of Erste River.

Surveyed and beaconed by me according to regulations.

(Sgd.) W.H. Badler.
 Government Land Surveyor.
 1st of June 1907.

S B
 C

Copied from diagram relating
 to Title Stal.F.8-3
 dated 8.1.1908
 for Surveyor-General
 29.1.1961
 CJA/VJ

CHECKED DATA CHECKED

FOR ENCLOSURES
 SEE BACK OF DIAGRAM
 ERF 2751
 Comp.BH.SDC/V.521
 Ref.

THE FOLLOWING DEDUCTIONS HAVE BEEN MADE FROM THIS DIAGRAM

SURVEY RECORD	DIAGRAM NO.	SUBDIVISION	AREA HA, SQ. FT.	TRANSFER NO.	INITIALED	REMARKS
E 147/76	5005/76	Erf 6314		Withdrawn		

EXCLUDED AREAS

SURVEY RECORD	DIAGRAM NO.	DESCRIPTION	USED	INITIALED
176	382 / 2015	L1 represents a 1020 sq. m leasehold area		
11	628 / 2015	L2 represents a 15179 sq. m leasehold area		

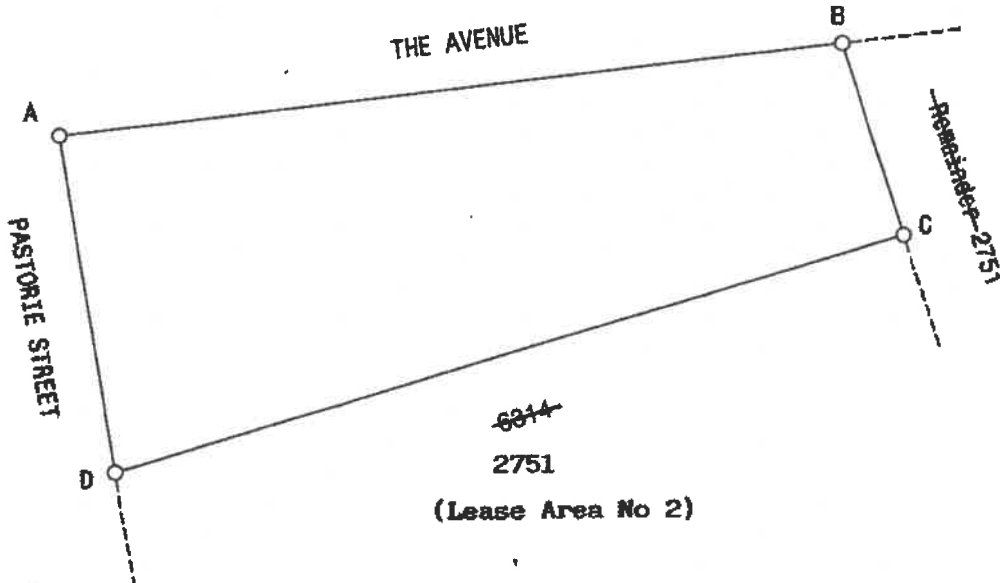
LEASEHOLD DGM

Friedlaender, Burger & Volkmann - Land Surveyors

SIDES Metres	ANGLES OF DIRECTION	CO-ORDINATES System WG 19°		S.G. No. 352/2015
		Y	X	
Constants :		0,00	0,00	Approved. <i>Kemida</i> for Surveyor - General Date : 20.04.2015
A B	53,39	263 33 50	A +12 498,19 +3 756 892,99	
B C	13,96	342 09 40	B +12 445,13 +3 756 887,01	
C D	55,86	73 20 00	C +12 440,86 +3 756 900,30	
D A	23,64	170 42 20	D +12 494,37 +3 756 916,32	
		M31C ⊕	+12 523,79 +3 756 837,08	
		M32C ⊕	+12 499,09 +3 756 924,86	

Beacon Descriptions

C 16mm Iron peg
All other beacons 12mm Iron peg



SCALE 1 : 500

The figure ABCD represents 1020 square metres of land, being

LEASE AREA No. 1
over ~~Remainder~~ ERF 2751 STELLENBOSCH

Situate in the Stellenbosch Municipality
Administrative District of Stellenbosch
Surveyed in January 2015
by me

Province of Western Cape

Brakel

PLS 1329 A J H van Brakel Pr Land Surveyor

This diagram is annexed to No. Dated i.f.o.

The original diagram is No. 2158/1907 Annexed to Stel.F.8-3.

File No. S/2641/117 vol 1 S.R. No. 176/2015 Comp. BH-8DC/V521 (1501) LPI C0670022

Registrar of Deeds

APPROVED IN TERMS OF SECT. 26 OF ORD. 15/1985
REF. Erf. 2751 Stellenbosch
DATE 5 November 2014

EXEMPT FROM PROVISIONS OF ACT 70 OF 1970
SECTION 1(C)

LEASEHOLD DGM.

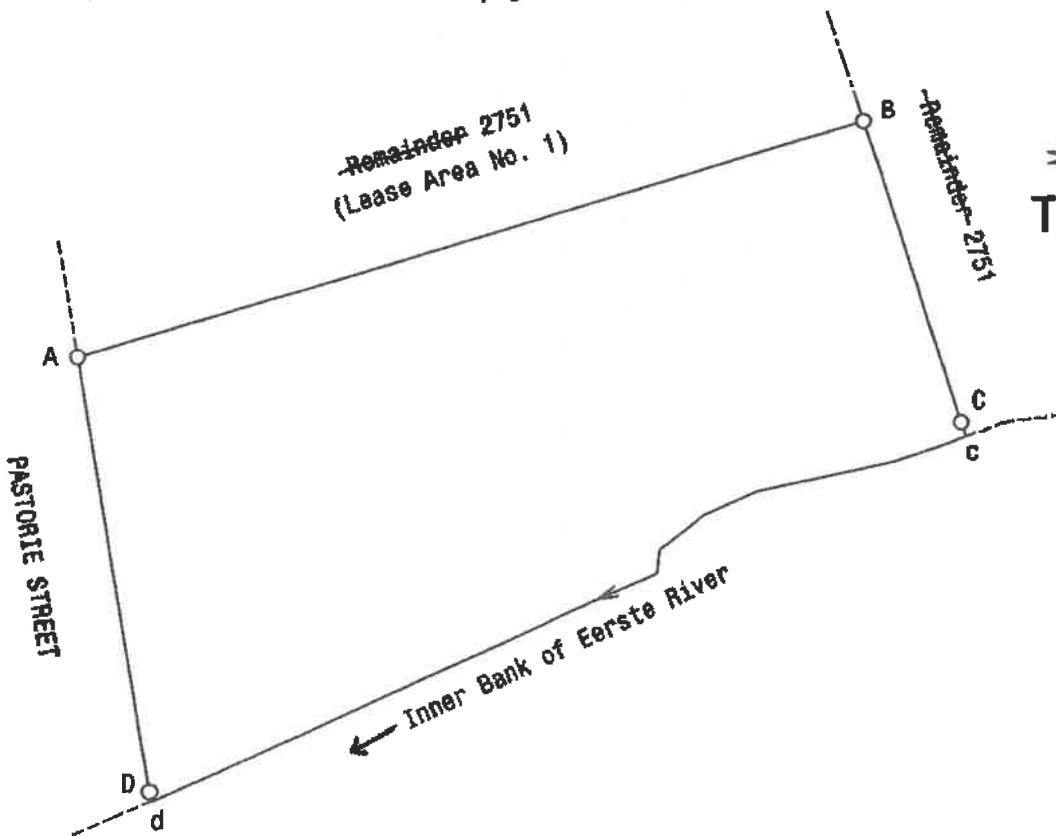
Friedlaender, Burger & Volkmann - Land Surveyors

SIDES Metres	ANGLES OF DIRECTION	CO-ORDINATES System WG 19°		S.G. No. 628/2015	
		Y	X		
Constants :		0,00	0,00	Approved. <i>[Signature]</i> for Surveyor - General Date : 20 04. 2015	
A B	55,86	253 20 00	A +12 494,37		+3 756 918,32
B C	21,87	342 09 40	B +12 440,86		+3 756 900,30
C D	60,78	65 29 00	C +12 434,16		+3 756 921,12
D A	30,42	170 42 20	D +12 489,45		+3 756 946,34
C c		342 09 40			
D d		350 42 20			

M31C ⊕ +12 523,79 +3 756 837,08
M32C ⊕ +12 499,09 +3 756 924,86

Beacon Descriptions

B C 16mm Iron peg
All other beacons 12mm Iron peg



SCALE 1 : 500

The figure ABC Inner bank of Eerste River d represents 1517 square metres of land, being

**LEASE AREA No. 2
over Remainder ERF 2751 STELLENBOSCH**

Situate in the Stellenbosch Municipality
Administrative District of Stellenbosch
Surveyed in January 2015
by me

Province of Western Cape

[Signature]

PLS 1329 A J H van Brakel Pr Land Surveyor

This diagram is annexed to No. Dated i.f.o. Registrar of Deeds	The original diagram is No. 5925/1976-2158/1907 Annexed to Stel F 8-3	File No. S/2641/117 vol 1 S.R. No. 176/2015 Comp. BH-8DC/V521 (1501) LPI C0670022
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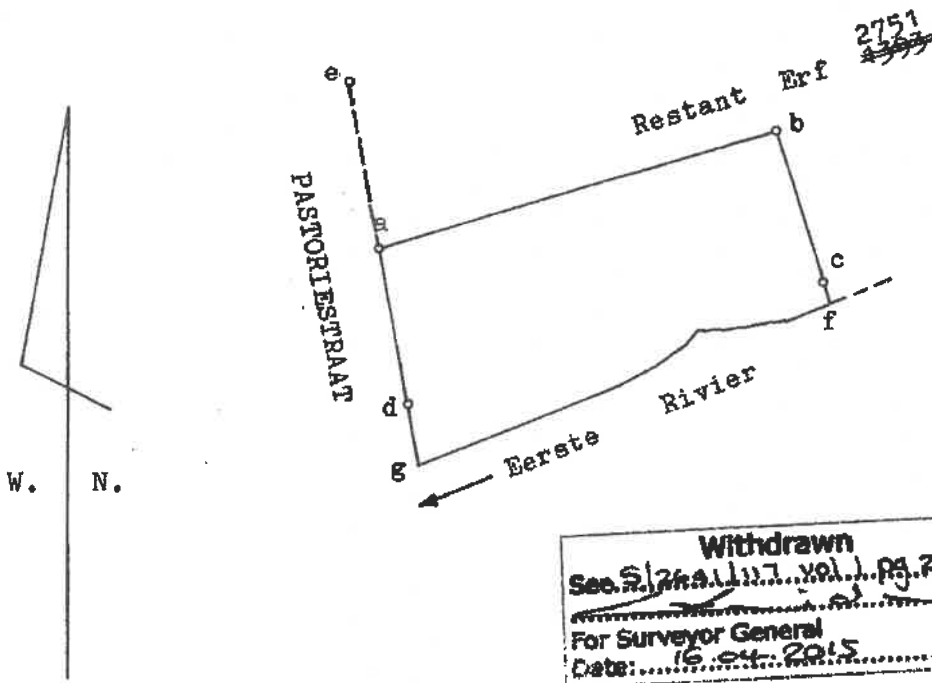
APPROVED IN TERMS OF SECT. 25 OF ORD. 15/1986
REF. ERF 2751 Stellenbosch
DATE 5 November 2014

EXEMPT FROM PROVISIONS OF ACT 70 OF 1970
SECTION 1 (a)

SYE METERS	RIGTINGS-HOEKE	KOÖRDINATE		L.G. No.
		Y	Lo 19°X	
		+ 12 000,00	+3756000,00	5 3 2 5 / 7 6
ab	55,86 253.20.00	a +	431,34 + 617,21	Goedgekeur
bc	21,87 342.09.40	b +	377,83 + 601,19	
cd	59,13 73.23.00	c +	371,13 + 622,01	<i>J. J. Volkmann</i> Landmeter-generaal
da	22,00 170.42.20	d +	427,79 + 638,92	
cf	342.09.40			9 NOV 1976
dg	340.42.20			
ae	23,64 170.42.20	e +	435,16 + 593,88	
	M31C	⊕ +	460,77 + 537,96	
	M32C	⊕ +	436,06 + 625,75	

Bakenbeskrywing.

- a, b, c. 16mm. ysterpen met klippe.
- d. Graniet klip.
- e. Graniet klip - afgebreek.



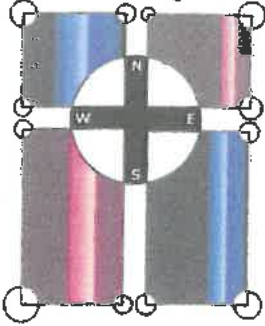
Skaal 1:1 000.

Die figuur a.b.g.f. regter oewer van Eersterivier g.d. stel voor 1 576 Vierkante Meter grond, synde ERF 6314 (n Gedeelte van Erf ²⁷⁵¹ ~~4393~~) STELLENBOSCH. geleë in die Munisipaliteit en Administratiewe Distrik van STELLENBOSCH. Provincie Kaap die Goeie Hoop. Opgemets in JULIE 1976. deur my, *Jans G. Volkmann* Landmeter

Hierdie kaart is geheg aan No. gedateer t.g.v.	Die oorspronklike kaart is. No.2158/1907 geheg aan Transport/Grondbrief No. <u>Stel.F.8-3.</u>	Lêer No. S/2641/117. M.S. No. E.1547/76. Komp. BH-8DC/V521(1501)
--	--	--

Registrateur van Aktes

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ANNEXURE 3: PROOF OF REGISTERED OWNERSHIP

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7562

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Kronendal Crescent,
Stellenberg,
7550

WinDeed Database Deeds Office Property

windeed
A LexisNexis® Product

STELLENBOSCH, 2751, 0 (CAPE TOWN)

GENERAL INFORMATION

Date Requested	2019/03/07 15:22
Deeds Office	CAPE TOWN
Information Source	WINDEED DATABASE
Reference	-



PROPERTY INFORMATION

Property Type	ERF
Erf Number	2751
Portion Number	0
Township	STELLENBOSCH
Local Authority	STELLENBOSCH MUN
Registration Division	STELLENBOSCH RD
Province	WESTERN CAPE
Diagram Deed	ST FH 8/3
Extent	1.0550H
Previous Description	-
LPI Code	C06700220000275100000

OWNER INFORMATION

Owner 1 of 1

Type	LOCAL AUTHORITY
Name	MUN STELLENBOSCH
ID / Reg. Number	-
Title Deed	STFH8-3/1908
Registration Date	1908/01/08
Purchase Price (R)	UNKNOWN
Purchase Date	-
Share	0.00
Microfilm	0000000000
Multiple Properties	NO
Multiple Owners	NO

ENDORSEMENTS

No documents to display

HISTORIC DOCUMENTS

No documents to display

DISCLAIMER

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WinDeed Database Deeds Office Property
STELLENBOSCH, 6314, 0 (CAPE TOWN)
GENERAL INFORMATION

Date Requested 2019/03/07 15:21
Deeds Office CAPE TOWN
Information Source WINDEED DATABASE
Reference -


PROPERTY INFORMATION

Property Type ERF
Erf Number 6314
Portion Number 0
Township STELLENBOSCH
Local Authority STELLENBOSCH MUN
Registration Division STELLENBOSCH RD
Province WESTERN CAPE
Diagram Deed DUM
Extent DUMDUM
Previous Description -
LPI Code C06700220000631400000

OWNER INFORMATION
Owner 1 of 1

Type UNKNOWN
Name ** FOR INFO REFER TO REGISTRAR OF DEEDS **
ID / Reg. Number -
Title Deed REPLACED
Registration Date -
Purchase Price (R) -
Purchase Date -
Share 0.00
Microfilm -
Multiple Properties NO
Multiple Owners NO

ENDORSEMENTS (1)

#	Document	Institution	Amount (R)	Microfilm
1	I-1691/2015LG	-	UNKNOWN	-

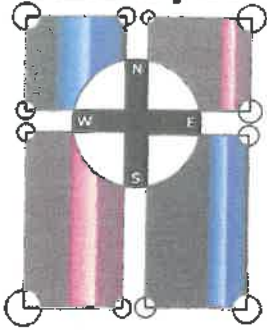
HISTORIC DOCUMENTS

No documents to display

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ANNEXURE 4: TITLE DEED

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7562

Unit 5, Stellen Villa,
Kronendal Crescent,
Stellenberg,
7550

3 #2



Grant under § 10 Act 15 of 1887.
Commissioner of Lands & Survey
Cape

In the Name and on behalf of His Majesty EDWARD THE SEVENTH, by the Grace of God, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas King, Defender of the Faith, Emperor of India.

UNDER and by virtue of the provisions contained in the 10th Section of the Act No. 15 of 1887, entitled an "Act for regulating the manner in which the Crown Lands of the Colony shall be disposed of,"

*Section of Land Grant
In terms of Executive Order
numbered 110/1887-1888. Registered as an
Order of 11/1/1908. The Special
Conditions attached thereto have
been read and approved.*

DO HEREBY GRANT, CEDE, AND TRANSFER unto the
the same being of the Municipality of Stellenbosch, a
piece of land containing One morgen and one hundred and thirty
square rods (1 mor = 139 sq rods), being Lot No. L1, situated in the Town
of Stellenbosch, Division of Stellenbosch, and represented and demarcated
in the assize plans attached, on condition that the land hereby granted
shall be set aside for an Agricultural Show Ground and that the Stellenbosch
Agricultural Society shall have the right to use the same for its yearly
shows and to erect the needful buildings etc thereon at a nominal

annual rental of One shilling (1/-) _____
with full power and authority henceforth to possess the same in perpetuity,
subject, however, to all such Duties and Regulations as are either already or
shall in future be established with regard to such Lands.

Given under my Hand and the Public Seal of the Colony of the Cape of Good
Hope, at Cape Town, this 8th day of
January 1908.

Walter de la Rive
Governor.

By His Excellency's Command,
A. H. Lawrence

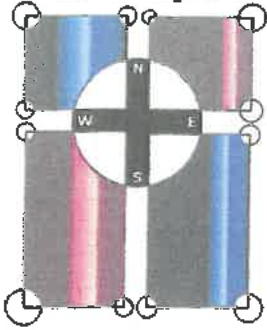
A. C. Crispin
Surveyor-General.

Exd. 10.
(1-1908)
2086/201/1008

Official registration stamp with text: "This grant... is registered as... as Erf No. 2751 Stellenbosch... Chief Registration Officer." Includes a signature and date "26/1/08".

C. E. RICHTER
Chief Registrar

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ANNEXURE 5: CONVEYANCING CERTIFICATE

HEAD OFFICE

PO Box 1152,
Cape Gate,
7562

Unit 5, Stellen Villa,
Kronendal Crescent,
Stellenberg,
7550



A. IDENTIFY RESTRICTIVE TITLE CONDITIONS (if any)

Categories		Are there deed restrictions (indicate below)		Title Deed and Clause number if restrictive conditions are found
1.	Use of land	Y	N ✓	
2.	Building lines	Y	N ✓	
3.	Height	Y	N ✓	
4.	Number of Dwellings	Y	N ✓	
5.	Bulk floor area	Y	N ✓	
6.	Coverage/built upon area	Y	N ✓	
7.	Subdivision	Y	N ✓	
8.	Servitudes that may be registered over or in favour of the property	Y	N ✓	
9.	Other Restrictive Conditions	Y	N ✓	



B. INDICATE AFFECTED PARTIES AS PER TITLE DEED (if any)

a.	Organ(s) of State that might have an interest in the restrictive condition	
b.	A person whose rights or legitimate expectations will be affected by the removal/suspension/amendment of a restriction condition.	N/A
c.	All persons mentioned in the deed for whose benefit the restrictive condition applies	

C. PROCESS BY WHICH RELEVANT CONDITIONS WILL BE ADDRESSED

Application in terms of Section 15 of the Stellenbosch Municipal Land Use Planning By-Law (2015)	Notarial Deed of Cancellation (Submit Copy of Signed Agreement)	Action by way of court order (Submit Copy of the Court Order)	If Other, Please Specify
		N/A	

Signed at DURBANVILLE (Place) on this 18th (Day) APRIL (Month) of 2019

Full names and Surname: TANIA VAN TOORN

Signature: [Handwritten Signature]

35 MAIN ROAD
 DURBANVILLE
 7550

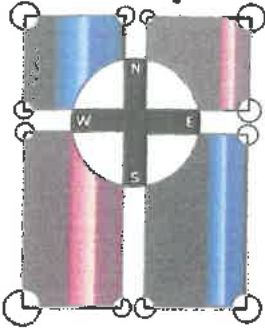
LOUW & COETZEE
 HOOFWEG 35, MAIN ROAD
 POSBUS 146 P.O. BOX
 DURBANVILLE, 7550
 TEL: 976-3180
 PROKUREURS • ATTORNEYS

Tel: 021-9763180

Email: taniav@louwcoetzee.co.za

Cell: 0764310959

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ANNEXURE 6: ZONING CERTIFICATE

HEAD OFFICE

PO Box 1152,
Cape Gate,
7562

Unit 5, Stellen Villa,
Kronendal Crescent,
Stellenberg,
7550



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Our Ref : 2751
 Contact person : L Ollyn
 Contact no : (021) 808 8672
 Date : 01 March 2019

ZONING CERTIFICATE:

ERF 2751, STELLENBOSCH

It is hereby certified that the zoning of Erf 2751, cnr of Pastorie Avenue & Die Laan, Stellenbosch in terms of the Stellenbosch Municipality Zoning Scheme Regulations, July 1996, is:

Public Open Space

NORMAL DEVELOPMENT	SPECIAL DEVELOPMENT <i>(Land uses allowed with the consent of Council)</i>
Public Open Space	None

PR 
 T Mfeya
 DIRECTOR: PLANNING & ECONOMIC DEVELOPMENT

Please Note: Where discrepancies exist between the zoning information contained in this certificate and any Council decision, Council's decision override the contents of this zoning certificate.

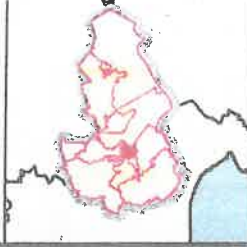
Locality P_n - Erf 2751, Stellenbosch

SCALE

1:4 513,99

Legend

322



Stellenbosch Municipality
Planning & Economic Development
Created by Corporate GIS

Date: 2019-03-01



Autor: Stellenbosch Municipality

Stellenbosch Municipality
Street Address:
71 Pien Street, Stellenbosch, 7800
Tel. 021 816 6656

This is a reproduction of the information contained in the original document. It is not a substitute for the original document. The original document is the only authoritative source of information. The information is provided as is and without any warranty. The user assumes all liability for the use of the information.



Stellenbosch Municipality

- 27 -

10.16 ~~LU: PLACE OF WORSHIP:~~

IM:



10.16.1 ND: Place of worship as defined in section 1.

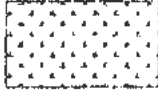
10.16.2 SD: None

10.16.3 RD:

- (a) Building lines and coverage: As prescribed in the use zone institution.
- (b) Height: As required by the Council.
- (c) Parking: 1 parking bay for every 10 seats, with a minimum of 15.

10.17 ~~LU: PUBLIC OPEN SPACE:~~

IM:



10.17.1 ND: Public Open Space

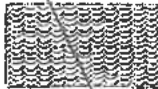
10.17.2 SD: None

10.17.3 RD:

- No building or structure shall be erected or use practised except such as is compatible with
- 2 "public open space" as defined in section 1.

10.18 ~~LU: PRIVATE OPEN SPACE:~~

IM:



10.18.1 ND:

Private Open Space and any development of which the Council may approve which is directly related to private open space.

10.18.2 SD: None

10.18.3 RD:

No building or structure shall be erected or use practised except such as is compatible with "private open space" as defined in section 1.



STELLENBOSCH

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Our Ref : 6314
 Contact person : L. Olym
 Contact no : (021) 808 8672
 Date : 01 March 2019

ZONING CERTIFICATE:

ERF 6314, STELLENBOSCH

It is hereby certified that the zoning of Erf 6314, Pastorie Avenue, Stellenbosch in terms of the Stellenbosch Municipality Zoning Scheme Regulations, July 1996, is:

Public Open Space

NORMAL DEVELOPMENT	SPECIAL DEVELOPMENT <i>(Land uses allowed with the consent of Council)</i>
Public Open Space	None

RP

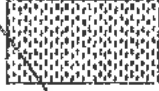

T Mfeya
DIRECTOR: PLANNING & ECONOMIC DEVELOPMENT

Please Note: Where discrepancies exist between the zoning information contained in this certificate and any Council decision, Council's decision override the contents of this zoning certificate.

- 27 -

10.16 LU: PLACE OF WORSHIP:

IM:



10.16.1 ND: Place of worship as defined in section 1.

10.16.2 SD: None

10.16.3 RD:

- (a) Building lines and coverage: As prescribed in the use zone institution.
- (b) Height: As required by the Council.
- (c) Parking: 1 parking bay for every 10 seats, with a minimum of 15.

10.17 LU: PUBLIC OPEN SPACE:

IM:



10.17.1 ND: Public Open Space

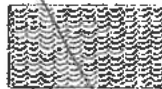
10.17.2 SD: None

10.17.3 RD:

- No building or structure shall be erected or use practised except such as is compatible with "public open space" as defined in section 1.

10.18 LU: PRIVATE OPEN SPACE:

IM:



10.18.1 ND:

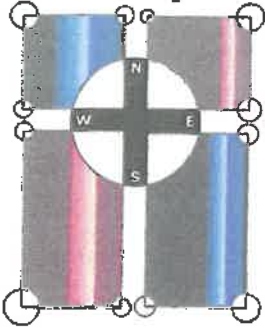
Private Open Space and any development of which the Council may approve which is directly related to private open space.

10.18.2 SD: None

10.18.3 RD:

No building or structure shall be erected or use practised except such as is compatible with "private open space" as defined in section 1.

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**ANNEXURE 7:
LAND CLAIMS
LETTER FROM REGIONAL LAND
CLAIMS COMMISSIONER**

HEAD OFFICE

PO Box 1152,
Cape Gate,
7562

Unit 5, Stellen Villa,
Kronendal Crescent,
Stellenberg,
7550



OFFICE OF THE REGIONAL LAND CLAIMS COMMISSIONER: WESTERN CAPE
 1st and 2nd floors, 14 Long Street, Cape Town, 8000 | Private Bag X9163, Cape Town, 8000
 Tel: (021) 409 0300 | Fax: (021) 418 0205

Your Ref: Martin Jonker
 Our Ref: Maroeda Johnson

09 April 2019

Plan 4 SA (Pty) Ltd
 Po Box 1152
 Cape Gate
 7562

LAND CLAIM ENQUIRIES: ERF 2235 FRANSCHOEK, ERF 230 FRANSCHOEK, ERF 2751 STELLENBOSCH, ERF 6487 STELLENBOSCH, ERF 6488 STELLENBOSCH, ERF 1956 STELLENBOSCH, ERF 1957 STELLENBOSCH, REMAINDER OF FARM 181 STELLENBOSCH, REMAINDER OF FARM 183 STELLENBOSCH, PORTION 2 OF THE FARM CLOETESDAL NO. 81 STELLENBOSCH, PORTION 9 OF THE FARM CLOETESDAL NO. 81 STELLENBOSCH

Thank you for your letter dated 09 April 2019

We confirm that as at the date of this letter no land claims appear on our database in respect **ERF 2235 FRANSCHOEK, ERF 230 FRANSCHOEK, ERF 2751 STELLENBOSCH, ERF 6487 STELLENBOSCH, ERF 6488 STELLENBOSCH, ERF 1956 STELLENBOSCH, ERF 1957 STELLENBOSCH, REMAINDER OF FARM 181 STELLENBOSCH, REMAINDER OF FARM 183 STELLENBOSCH, PORTION 2 OF THE FARM CLOETESDAL NO. 81 STELLENBOSCH, PORTION 9 OF THE FARM CLOETESDAL NO. 81 STELLENBOSCH.** This includes the database for claims lodged 31 December 1998 and those lodge between 1 July 2014 and 28 July 2016. Whilst the Commission takes reasonable care to ensure the accuracy of the information it provides, there are various factors that may be beyond the Commission's control, particularly relating to claims that have lodged but not yet been gazetted such as:

- Some Claimants referred to properties they claim dispossession of rights in land against using historical property descriptions which may not match the current property description; and
- Some Claimants provided the geographic descriptions of the land they claim without mentioning the particular property they claim dispossession of rights in land against.
- The Commission can therefore not accept any liability whatsoever if through the process of further investigation of claims it is found that there is in fact a land claim in respect of the above property.

ERF 2235 FRANSCHOEK, ERF 230 FRANSCHOEK, ERF 2751 STELLENBOSCH,
ERF 6487 STELLENBOSCH, ERF 6488 STELLENBOSCH, ERF 1956
STELLENBOSCH, ERF 1957 STELLENBOSCH, REMAINDER OF FARM 181
STELLENBOSCH, REMAINDER OF FARM 183 STELLENBOSCH, PORTION 2
OF THE FARM CLOETESDAL NO. 81 STELLENBOSCH, PORTION 9 OF THE
FARM CLOETESDAL NO. 81 STELLENBOSCH.

If you are aware of any change in the description of the above property after 19 June 1913 kindly supply us with such description so as to enable us to do a further search.

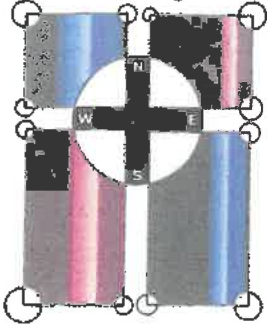
Kind Regards


Dr Wayne Alexander

Chief Director: Restitution Support: RLCC (Western Cape)



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ANNEXURE 8: PRE-SUBMISSION CONSULTATION MINUTES

HEAD OFFICE

PO Box 1152,
Cape Gate,
7562

Unit 5, Stellen Villa,
Kronendal Crescent,
Stellenberg,
7550



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 MUNISIPALITEIT • UMASIPALA • MUNICIPALITY



LAND USE PLANNING PRE-APPLICATION CONSULTATION FORM

KINDLY NOTE:

Pre-application consultation is an advisory session and does not in any way pre-empt the outcome of any future application which may be submitted to the Municipality.

PART A: PARTICULARS

Date: 23 August 2019

Erf/Farm number: 2751 Stellenbosch

Property(ies) location: Corner of Pastorie Street & Die Laan, Stellenbosch

Brief proposal: Rezoning of a portion from Public Open Space to General Business and Local Authority (Public Parking).

Attendees:

	Name & Surname	Organisation	Contact Number	E-mail
Official/s				
Pre-applicant	Martin Jonker	Plan USA	0844106132	martinj@planusa.co.za
	R P Fog	Steel Man	021 808 8180	r.p.fog@stellenbosch.gov.za
	H. Dehron	Verrelding	021 949 9674	h.dehron@stellenbosch.gov.za

List documents provided for discussion at meeting:

(include document reference, document/plan dates and plan numbers where possible and attach to this form)

Planning Motivation
Locality Plan
Land Use Plan
Concept Site layout Plan

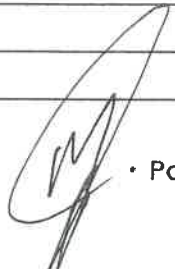
Has pre-application consultation been undertaken for a land development application in terms of section 53 of the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA) and regulation 10 of the Western Cape Land Use Planning Regulations, 2015 (LUP regulations)?

(if yes, request a copy of the minutes)

YES	NO	N/A
-----	----	----------------

Comprehensive overview of proposal:

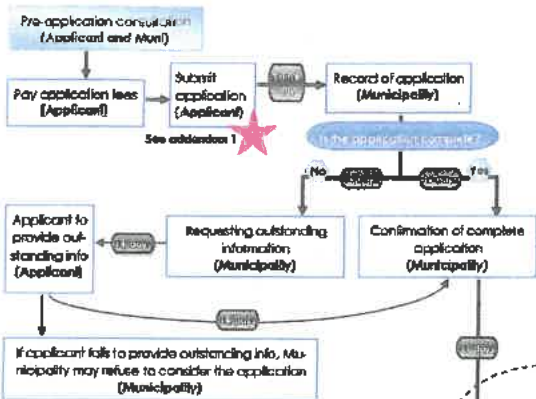
Refer to Planning Motivation for detail



PART B: APPLICATION PROCESS (SIMPLIFY OR REMOVE)

Stellenbosch Municipal Land Use Planning By-Law (workflow)

SUBMISSION



- Types of applications that can be submitted in terms of Section 15 (2)**
- hearing of land
 - removal of restrictive conditions
 - temporary occupation
 - subdivision of land
 - consolidation of land
 - removal, suspension or amendment of restrictive conditions
 - Part 2(a) application in terms of the zoning scheme
 - Part 2(b) application in terms of the zoning scheme
 - Part 2(c) application in terms of the zoning scheme
 - Part 2(d) application in terms of the zoning scheme
 - Part 2(e) application in terms of the zoning scheme
 - Part 2(f) application in terms of the zoning scheme
 - Part 2(g) application in terms of the zoning scheme
 - Part 2(h) application in terms of the zoning scheme
 - Part 2(i) application in terms of the zoning scheme
 - Part 2(j) application in terms of the zoning scheme
 - Part 2(k) application in terms of the zoning scheme
 - Part 2(l) application in terms of the zoning scheme
 - Part 2(m) application in terms of the zoning scheme
 - Part 2(n) application in terms of the zoning scheme
 - Part 2(o) application in terms of the zoning scheme
 - Part 2(p) application in terms of the zoning scheme
 - Part 2(q) application in terms of the zoning scheme
 - Part 2(r) application in terms of the zoning scheme
 - Part 2(s) application in terms of the zoning scheme
 - Part 2(t) application in terms of the zoning scheme
 - Part 2(u) application in terms of the zoning scheme
 - Part 2(v) application in terms of the zoning scheme
 - Part 2(w) application in terms of the zoning scheme
 - Part 2(x) application in terms of the zoning scheme
 - Part 2(y) application in terms of the zoning scheme
 - Part 2(z) application in terms of the zoning scheme

Key

Out of time appeal may be lodged within the time	★
Direction	→
Timeframe	⌚
Additional	⋮
Questions	?
Answer to questions	☑

ADVERTISING



NB: The Municipality may request that notice be given again if more than 10 months have lapsed

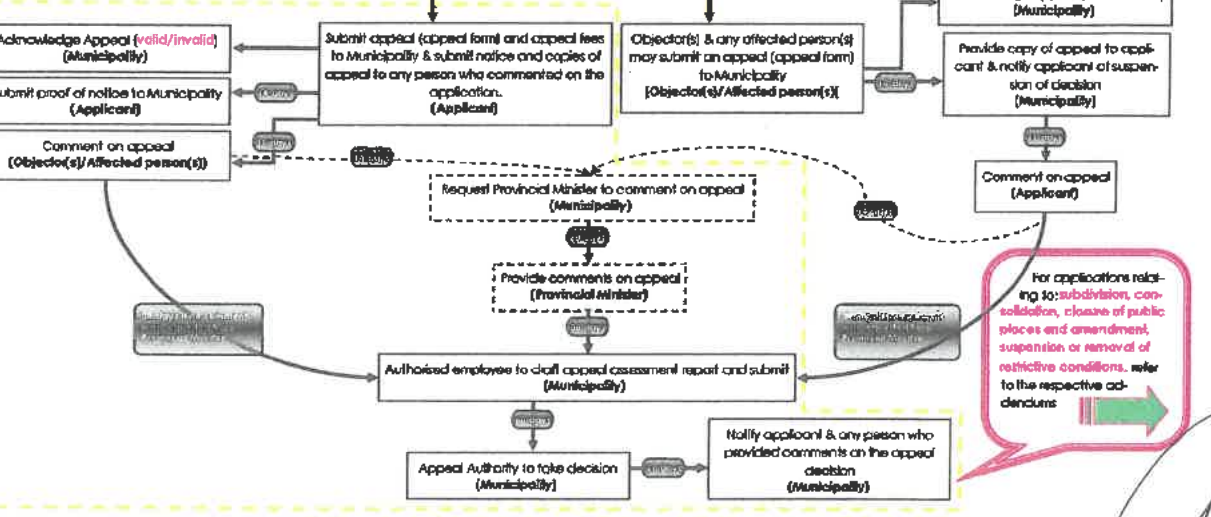


ASSESSMENT

DECISION

APPEAL PROCESS

APPEAL



for applications relating to subdivision, consolidation, closure of public places and amendment, suspension or removal of restrictive conditions, refer to the respective addressees

PART C: QUESTIONNAIRES

SECTION A:
DETERMINATION OF APPLICATION TYPES, PRESCRIBED NOTICE AND FEES

Tick relevant	#	What land use planning applications are required in terms of section 15 of the Stellenbosch Municipality Land Use Planning By-Law?	Application fees payable
✓	2(a)	a rezoning of land;	R
	2(b)	a permanent departure from the development parameters of the zoning scheme by-law;	R
✓	2(c)	a departure granted on a temporary basis to utilise land for a purpose not permitted in terms of the primary rights of the zoning applicable to the land;	R
	2(d)	a subdivision of land that is not exempted in terms of section 24, including the registration of a servitude or lease agreement;	R
	2(e)	a consolidation of land that is not exempted in terms of section 24;	R
	2(f)	a removal, suspension or amendment of restrictive conditions in respect of a land unit;	R
	2(g)	a permission required in terms of the zoning scheme by-law;	R
	2(h)	an amendment, deletion or imposition of conditions in respect of an existing approval;	R
	2(i)	an extension of the validity period of an approval;	R
	2(j)	an approval of an overlay zone as contemplated in the zoning scheme by-law;	R
	2(k)	an amendment or cancellation of an approved subdivision plan or part thereof, including a general plan or diagram;	R
	2(l)	a permission required in terms of a condition of approval;	R
	2(m)	a determination of a zoning;	R
✓	2(n)	a closure of a public place or part thereof;	R
	2(o)	a consent use contemplated in the zoning scheme by-law;	R
	2(p)	an occasional use of land;	R
	2(q)	to disestablish a home owner's association;	R
	2(r)	to rectify a failure by a home owner's association to meet its obligations in respect of the control over or maintenance of services;	R
	2(s)	a permission required for the reconstruction of an existing building that constitutes a non-conforming use that is destroyed or damaged to the extent that it is necessary to demolish a substantial part of the building.	R

Tick if relevant	What prescribed notice will be required?	Advertising fees payable
N	Serving of notices (i.e Delivering by hand; registered post; data messages)	R
N	Publication of notices (i.e Local Newspaper(s); Provincial Gazette; site notice; Municipality's website)	R
	Additional publication of notices (i.e Site notice, public meeting, local radio station, Municipality's website, letters of consent or objection)	R
	Notice of decision (i.e Provincial Gazette)	R
N	Integrated procedures	R
TOTAL APPLICATION FEE*:		R

KINDLY NOTE: * Application fees are estimated on the information discussed and are subject to change with submission of the formal application.

Application fees that are paid to the Municipality are non-refundable and proof of payment of the application fees must accompany an application.

The applicant is liable for the cost of publishing and serving notice of an application.

SECTION B:

PROVISIONS IN TERMS OF THE RELEVANT PLANNING LEGISLATION / POLICIES / GUIDELINES

QUESTIONS REGARDING PLANNING POLICY CONTEXT	YES	NO	TO BE DETERMINED	COMMENT
Is any municipal integrated development plan, spatial development framework(s), structure plans, by-laws or any other municipal policies or guidelines applicable?	✓			10P SDF
Any applicable restrictive condition(s) prohibiting the proposal?		✓		
If yes, is/are the condition(s) in favour of a third party(ies)?				N/A.
Zoning Scheme / Zoning Scheme By-law considerations:				
What is the current zoning of the property?	Public Open Space			
What is the proposed zoning of the property?	General Business (Lease Area 2); Local Authority (Public Parking) (Lease Area 1)			
Does the proposal fall within the provisions/parameters of the zoning scheme / zoning scheme by-law?	Yes			
Are additional applications required to deviate from the zoning scheme / zoning scheme by-law? (if yes, specify)	Closure of part of the Public Open Space Rezoning.			



QUESTIONS REGARDING OTHER PLANNING CONSIDERATIONS	YES	NO	TO BE DETERMINED	COMMENT
Is a development application affecting national interest in terms of section 52(3) of Spatial Planning Land Use Management Act, 2013 (Act 16 of 2013) (SPLUMA), required?		✓		
Is the proposal in line with the national spatial development framework and national laws, regulations, other guidelines or documents?	✓			
Is the proposal in line with the principles for land development, set out in the SPLUMA and the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014)?	✓			
Is the proposal in line with the provincial spatial development framework(s) and provincial laws, regulations, other policies, guidelines or documents?	✓			
Is any district municipal integrated development plan, spatial development framework, other policies, guidelines or documents relevant?	✓			<i>Cape Winelands</i>

SECTION C:**CONSENT / COMMENT REQUIRED FROM OTHER ORGANS OF STATE**

QUESTIONS REGARDING CONSENT / COMMENT REQUIRED	YES	NO	TO BE DETERMINED	OBTAIN APPROVAL / CONSENT / COMMENT FROM:
Is a land development application required in terms of section 53(2) of LUPA or section 10 of LUPA Regulations?		✓		Western Cape Provincial Department of Environmental Affairs & Development Planning (DEA&DP)
Is provincial comment on land use application(s) required in terms of section 45(1) of LUPA?		✓		DEA&DP

Y N TBD

Is/was the property(ies) utilised for agricultural purposes?		✓		Western Cape Government Department of Agriculture
Will the proposal require approval in terms of Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)?		✓		National Department of Agriculture, Forestry and Fisheries (DAFF)
Will the proposal trigger a listed activity in terms of National Environmental Management Act, 1998 (Act 107 of 1998) (NEMA)?		✓		DEA&DP
Will the proposal require authorisation in terms of Specific Environmental Management Act(s) (SEMA)? [National Environmental Management: Protected Areas Act, 2003 (Act 57 of 2003) (NEM:PAA) / National Environmental Management: Biodiversity Act, 2004 (Act 10 of 2004) (NEM:BA) / National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004) (NEM:AQA) / National Environmental Management: Integrated National Environmental Management: Waste Act, 2008 (Act 59 of 2008) (NEM:WA)		✓		National Department of Environmental Affairs (DEA) & DEA&DP
Will the proposal require authorisation in terms of the National Water Act, 1998 (Act 36 of 1998)?		✓		National Department of Water & Sanitation (DWS)
Will the proposal trigger a listed activity in terms of the National Heritage Resources Act, 1999 (Act 25 of 1999)?		✓		South African Heritage Resources Agency (SAHRA) & Heritage Western Cape (HWC)
Will the proposal have an impact on any National or Provincial roads?		✓		National Department of Transport / South Africa National Roads Agency Ltd. (SANRAL) & Western Cape Department of Transport and



Y N TBD

	Y	N	TBD	Public Works (DT&PW)
Will the proposal trigger a listed activity in terms of the Occupational Health and Safety Act, 1993 (Act 85 of 1993): Major Hazard Installations Regulations		✓		National Department of Labour (DL)
Will the proposal affect any Eskom owned land and/or servitudes?		✓		Eskom
Will the proposal affect any Telkom owned land and/or servitudes?		✓		Telkom SA Ltd.
Will the proposal affect any Transnet/Passenger Rail Agency of South Africa owned land and/or servitudes?		✓		Transnet/PRASA
Is the property subject to a land / restitution claim(s)?		✓		National Department of Rural Development & Land Reform
Will the proposal require comments from South African National Parks (SANParks) and/or CapeNature?		✓		SANParks / CapeNature
Is the property subject to any existing mineral rights?		✓		National Department of Mineral Resources
Does the proposal lead to densification to such an extent that the number of schools, healthcare facilities, libraries, safety services, etc. In the area may be impacted on?		✓		Western Cape Government Departments of Cultural Affairs & Sport, Education, Social Development, Health and Community Safety
Does the proposal require any other authorisation(s) in terms of other applicable legislation that is not listed in the subject table?		✓		If yes, specify



PART D: ATTACHMENTS AND SUPPORTING INFORMATION AND DOCUMENTATION FOR LAND USE PLANNING APPLICATION

Information and documentation required in terms of section 38(1) of the Stellenbosch Municipality Land Use Planning By-law

<input checked="" type="checkbox"/>	Completed and signed application form		Bondholder's consent (if applicable) <i>N/A</i>
<input checked="" type="checkbox"/>	Power of attorney / Owner's consent if applicant is not owner		Proof of any other relevant right held in the land concerned <i>N/A</i>
	Resolution or other proof that applicant is authorised to act on behalf of a juristic person <i>N/A</i>	<input checked="" type="checkbox"/>	S.G. diagram / General plan extract
<input checked="" type="checkbox"/>	Written motivation	<input checked="" type="checkbox"/>	Site development plan or conceptual layout plan
<input checked="" type="checkbox"/>	Locality plan		Proof of agreement or permission for required servitude <i>N/A</i>
	Proposed subdivision plan <i>N/A</i>	<input checked="" type="checkbox"/>	Proof of registered ownership (Full copy of the title deed)
	Proof of payment of application fees <i>N/A</i>	<input checked="" type="checkbox"/>	Minutes of pre-application consultation meeting (if applicable)
<input checked="" type="checkbox"/>	Conveyancer's certificate (as applicable)		

Supporting information and documentation:

Y	N	N/A	Consolidation plan	<input checked="" type="checkbox"/>	N	N/A	Land use plan / Zoning plan
Y	N	N/A	Street name and numbering plan	Y	N	N/A	1 : 50 / 1:100 Flood line determination (plan / report)
Y	N	N/A	Landscaping / Tree plan	Y	N	N/A	Home Owners' Association consent
Y	N	N/A	Abutting owner's consent	Y	N	N/A	Services Report or indication of all municipal services / registered servitudes
Y	N	N/A	Copy of Environmental Impact Assessment (EIA) / Heritage Impact Assessment (HIA) / Traffic Impact Assessment (TIA) / Traffic Impact Statement (TIS) / Major Hazard Impact Assessment (MHIA) / Environmental Authorisation (EA) / Record of Decision (ROD)	Y	N	N/A	Proof of failure of Home owner's association
Y	N	N/A	Copy of original approval and conditions of approval	Y	N	N/A	Any additional documents or information required as listed in the pre-application consultation form / minutes
Y	N	N/A	Proof of lawful use right	Y	N	N/A	Other (specify)
<input checked="" type="checkbox"/>	N	N/A	Required number of documentation copies	Y	N	N/A	

PART E: DISCUSSION

- Site layout Plan must be renamed to Typical Site layout Plan
- In the section dealing with "Type of land Use Application":
 - ↳ 15(2)(a) remove references to shop/office uses - just state "rezoning... from... to General Business."

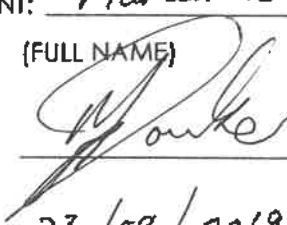
PART F: SUMMARY / WAY FORWARD

Can proceed with the submission of the application.

OFFICIAL: R.P. Faoy
(FULL NAME)

PRE-APPLICANT: Martin Tonker
(FULL NAME)

SIGNED: 

SIGNED: 

DATE: 23/08/2019

DATE: 23/08/2019

Martin Jonker

From: Schalk Van der Merwe <Schalk.VanderMerwe@stellenbosch.gov.za>
Sent: 19 August, 2019 9:54 AM
To: 'Martin Jonker'
Cc: Widmark Moses; Robert Fooy; Hedre Dednam
Subject: RE: [EX] LED HUB: ERF 2751 STELLENBOSCH (AGRICULTURAL HALL)

Martin, good day.

With regards to the Agricultural Hall site, the change in the use of the site does not raise any red flags (i.t.o. applicable environmental legislation triggers). Any physical activity or construction that will take place on the site will be a different matter though and must be considered once such details becomes clear. From an environmental planning point of view future operations of the site as LED Hub must be sensitive to the environmental features of the site, such as the river, and activities (i.t.o. effluent, general- or human waste, etc) on site must not be allowed to impact thereon.

Operationally it is also important that the proposals take into account the requirements of the Western Cape Noise Control Regulations (2013).

Regards



Schalk van der Merwe
 Environmental Planner

Community & Protection Services:
Stellenbosch Municipality

T: +27 21 808 8679
 Plein Street, Stellenbosch, 7600
www.stellenbosch.gov.za



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http://www.stellenbosch.gov.za/main_pages/disclaimerpage.htm



STELLENBOSCH
 STELLENBOSCH MUNISIPALITEIT
 MUNICIPALITEIT • MUNISIPALITÀ • MUNICIPALITY



About Stellenbosch Municipality

Our mission is to deliver cost-effective services that will provide the most enabling environment for civil and corporate citizens.

Our head office is at Town House Complex, Plein Street, Stellenbosch, 7600, South Africa. For more information about Stellenbosch Municipality, please call +2721-800-8111, or visit www.stellenbosch.gov.za

Disclaimer:

The information contained in this communication from schalk.vandermerwe@stellenbosch.gov.za sent at 2019-08-19 09:54:29 is confidential and may be legally privileged. It is intended solely for use by martinj@plan4sa.co.za and others authorized to receive it. If you are not martinj@plan4sa.co.za you are hereby notified that any disclosure, copying, distribution or taking action in reliance of the contents of this information is strictly prohibited and may be unlawful. Powered by: [Afrovation](#)

From: Martin Jonker [<mailto:martinj@plan4sa.co.za>]
Sent: 19 August 2019 09:20 AM
To: Schalk Van der Merwe
Cc: Widmark Moses; Robert Fooy; Hedre Dednam

Subject: [EX] LED HUB: ERF 2751 STELLENBOSCH (AGRICULTURAL HALL)

Importance: High

Good morning Schalk

I trust you are doing well.

I was appointed by Widmark Moses to assist with the rezoning of the 5 selected LED Hub locations. Three of these locations have rivers nearby (Erf 2751 Stellenbosch; Erf 2235 Franschoek & the Kayamandi Economic & Tourism Corridor). Please find attached hereto a draft planning motivation report & concept site plan for Erf 2751 Stellenbosch (Agricultural Hall).

Can you confirm if there are any environmental issues that we should take note of in this application?

Thank you in advance for your kind assistance.

Regards

MARTIN JONKER, Pr.Plh A/1090/1999; PMP; MTRP; MBA (Cum Laude)

Managing Director

Professional Planner

Project Management Professional

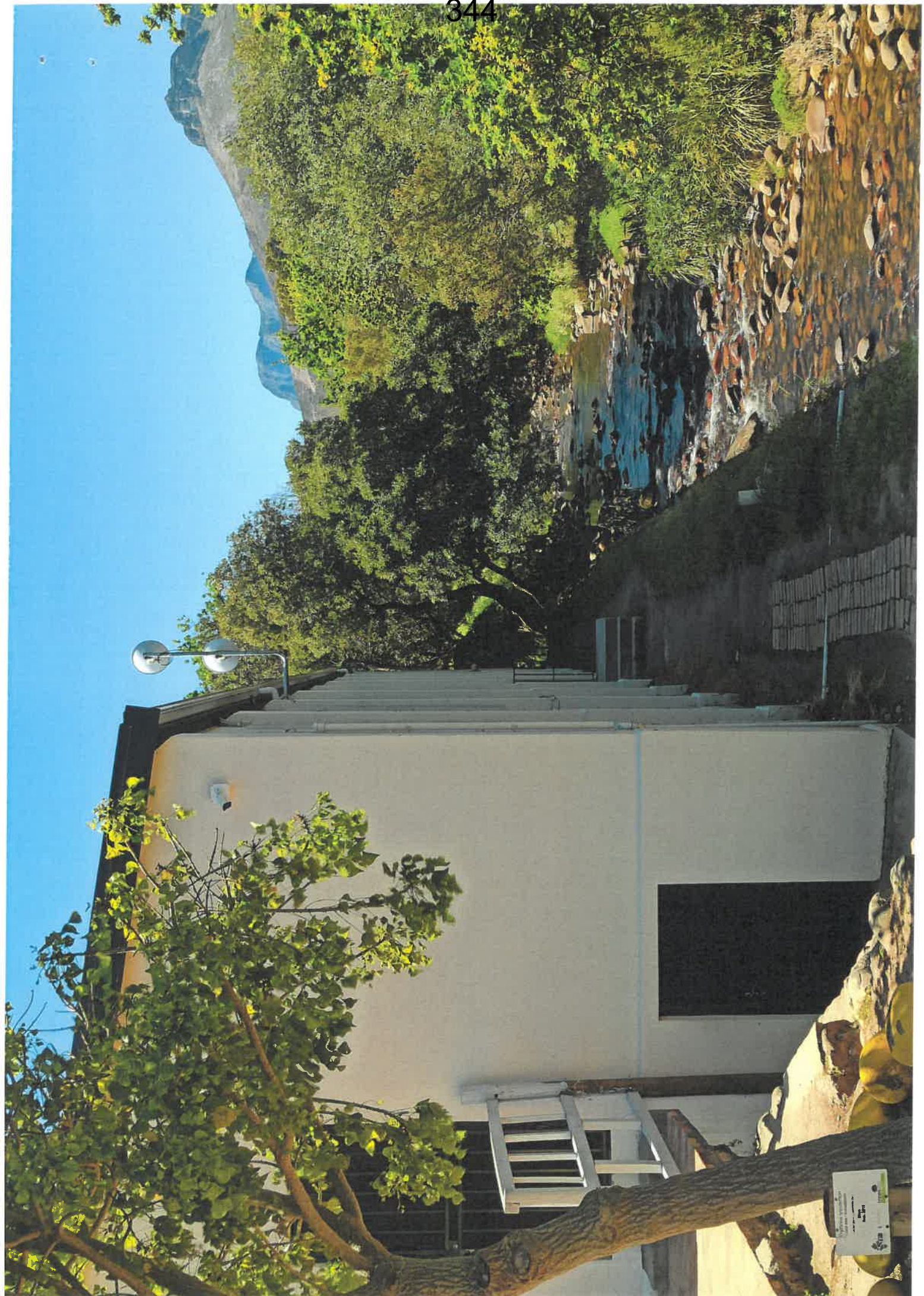
Plan 4 SA (Pty) Ltd

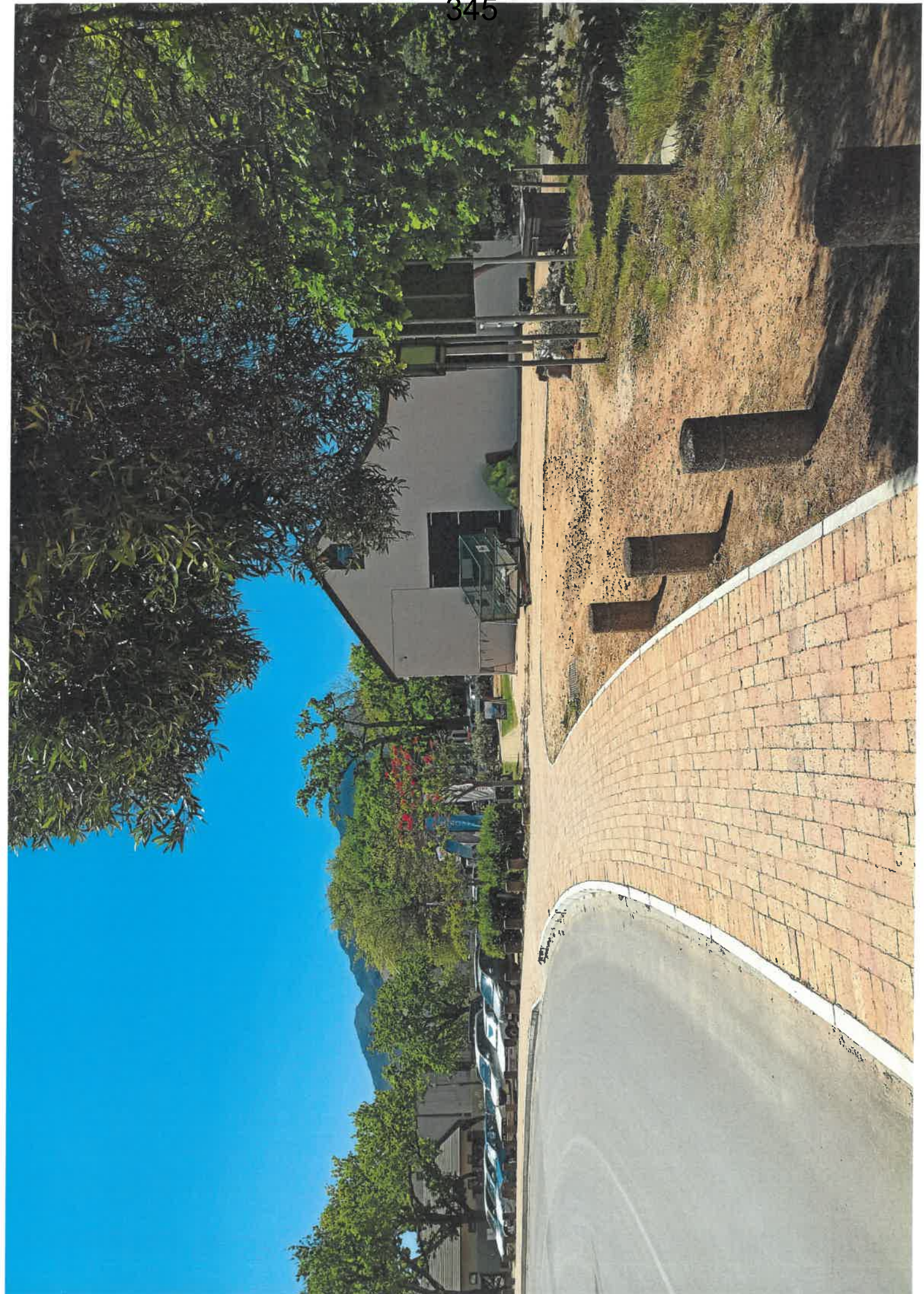
PO Box 1152, Cape Gate, 7562

Cell: +27 84 410 6132; Fax: +27 86 524 8738

Email: martini@plan4sa.co.za; Web: www.plan4sa.co.za











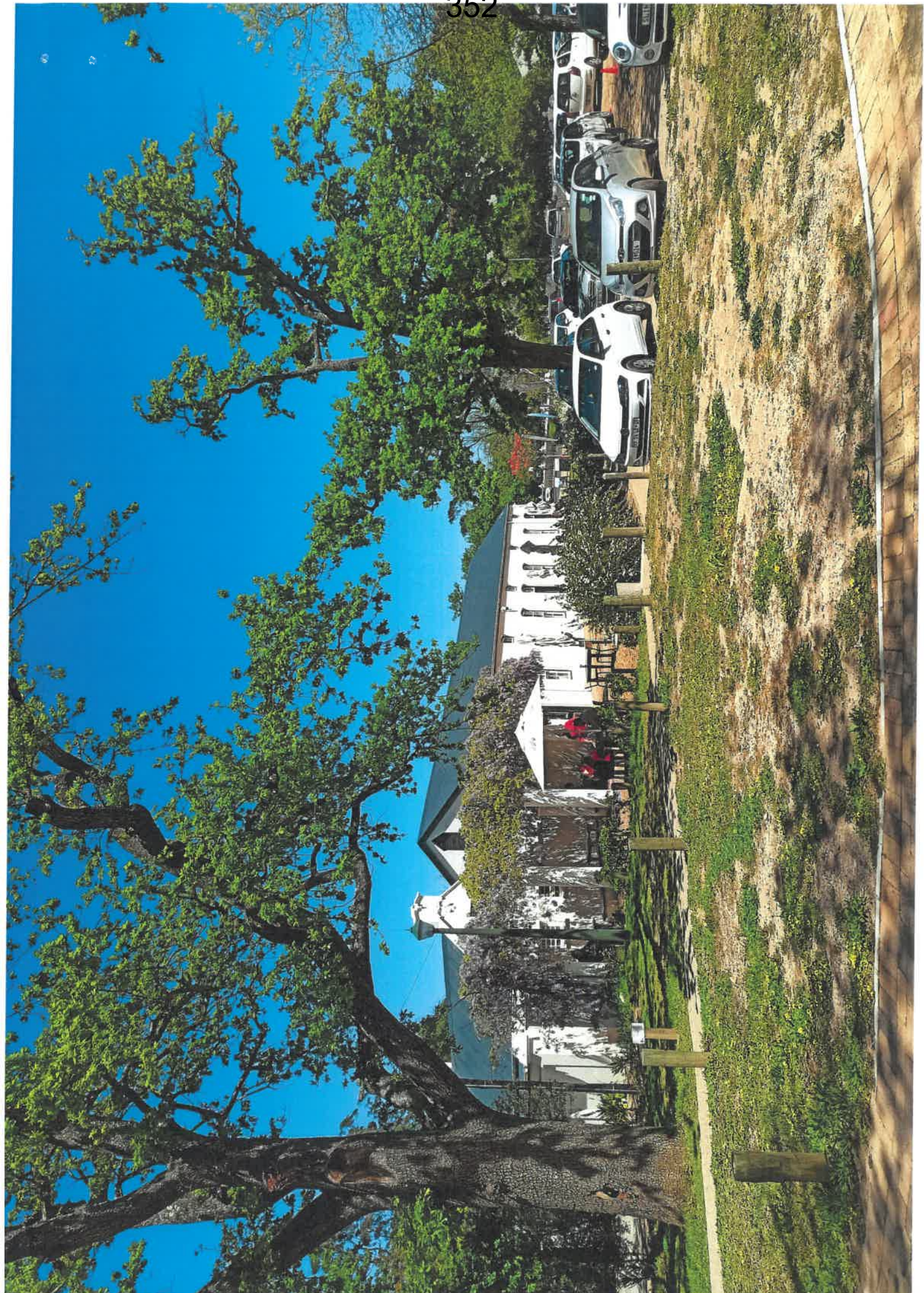


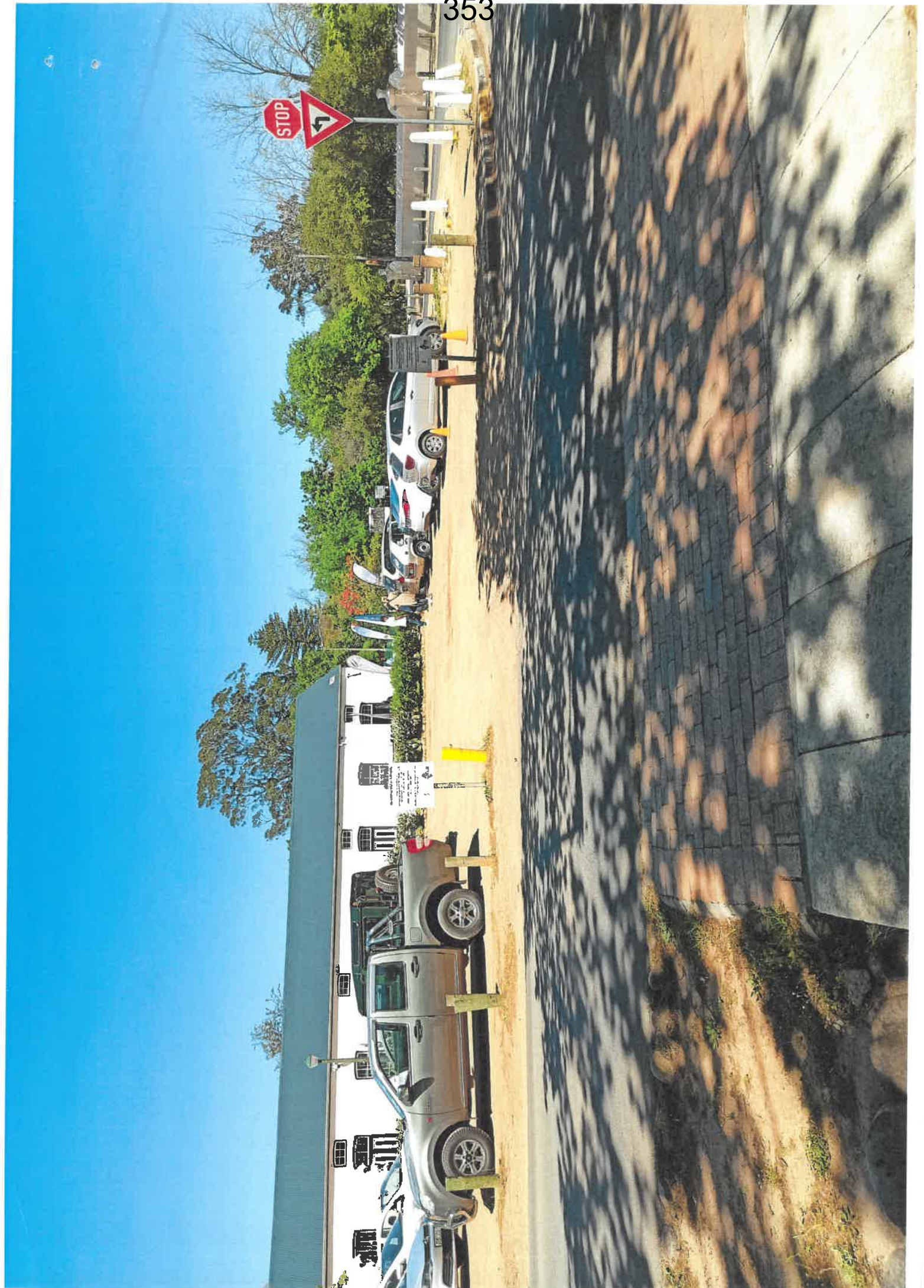


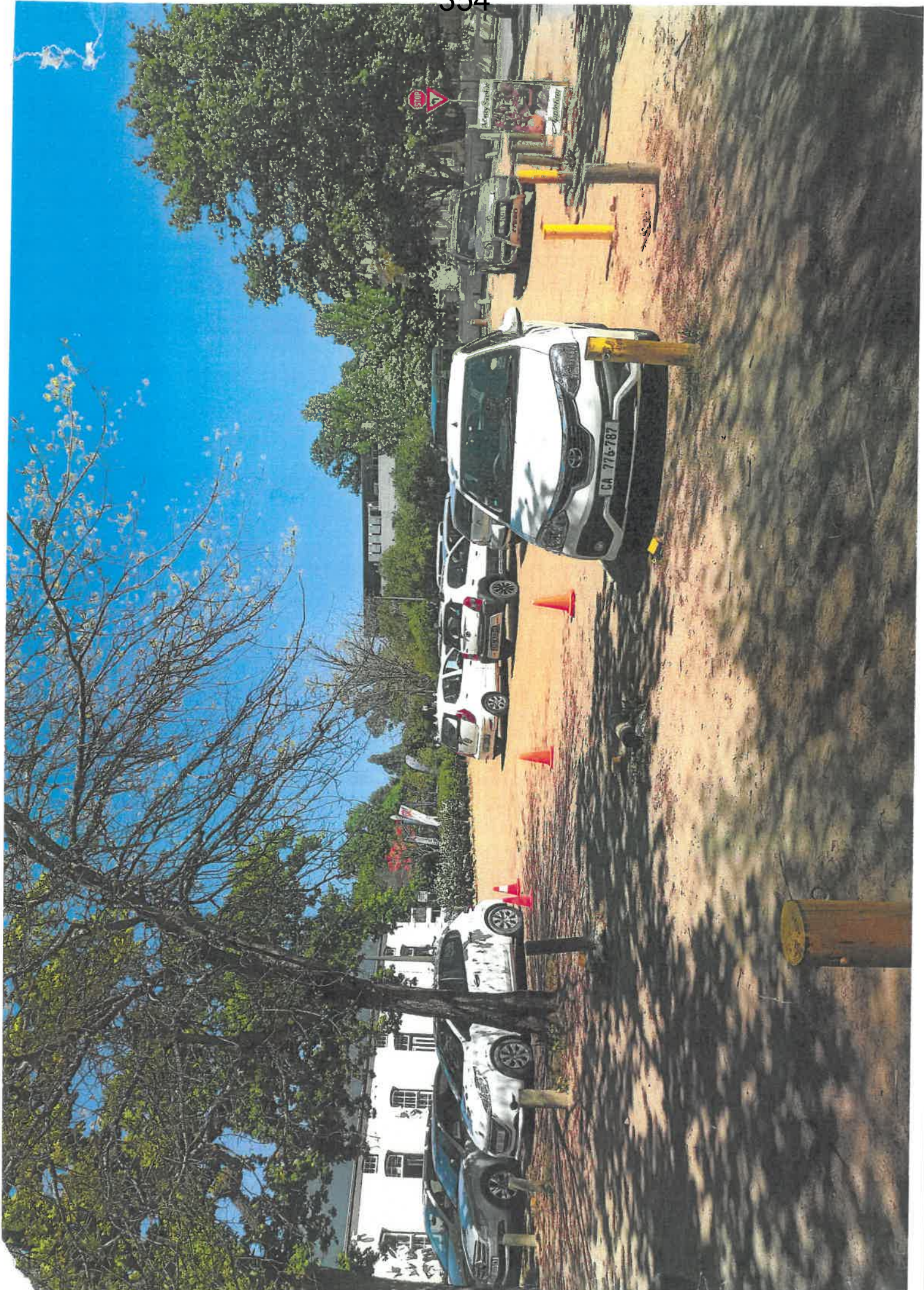


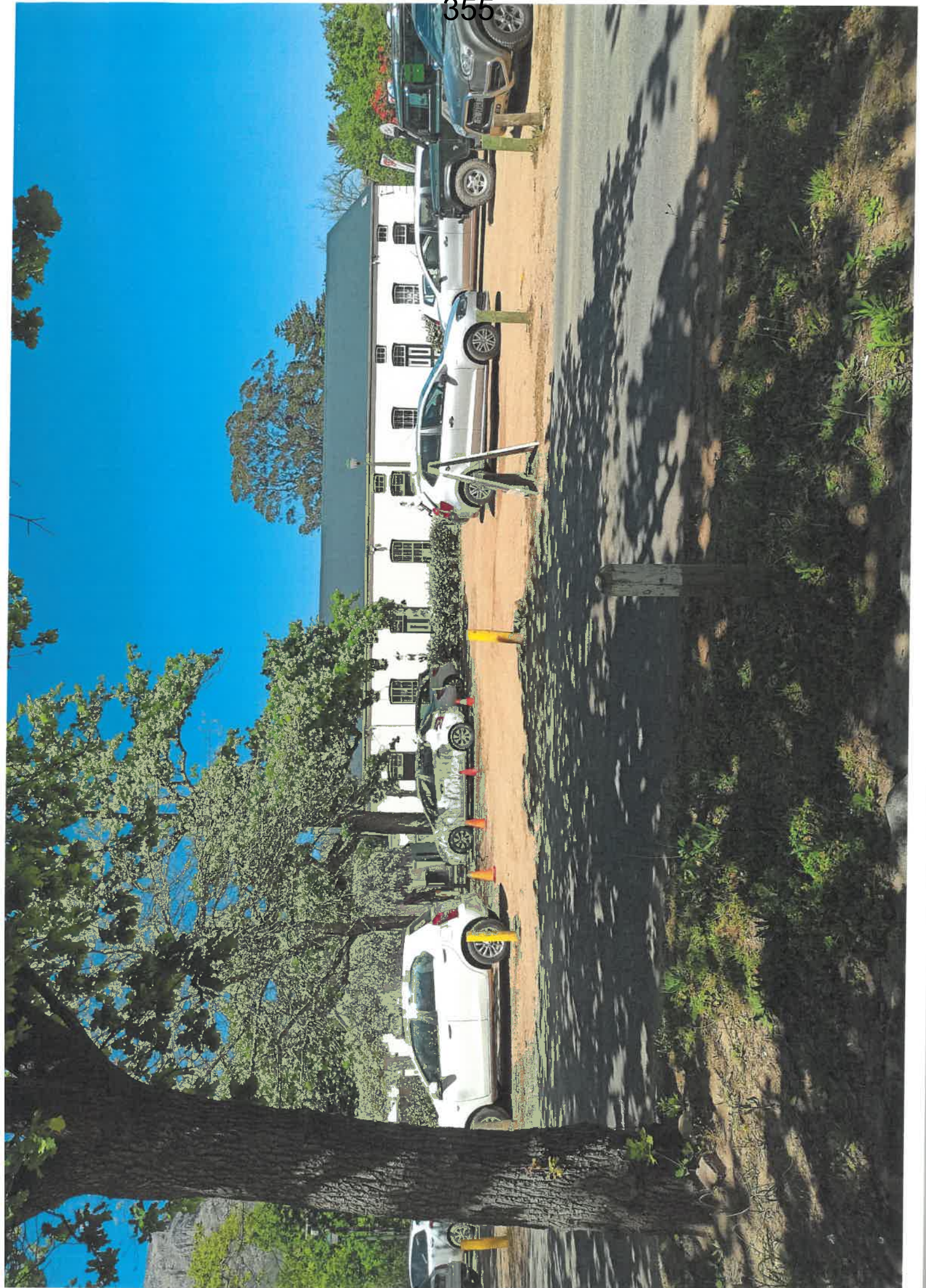
351











OU LANDBOUSAAL PARKING

Parking fee: R40.00 per day
Monthly parking permits R600.00 per month
and available at the STF Trail Centre.
STF Trail Centre: 063 467 0293

Wheels will be clamped if left overnight.
Release fee applicable.

All proceeds go to the Stellenbosch Trail Fund.
Parking at own risk



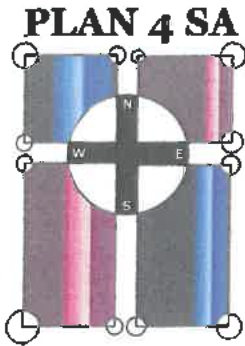
STELLENBOSCH
STELLENBOSCH • WEG • VERBOD
MUNICIPALITEIT • UMKOPING • MUNICIPAALITEIT



STELLENBOSCH
TRAIL FUND

ANNEXURE D

Copy of POE Checklist and declaration



PROFESSIONAL PLANNERS & PROJECT MANAGERS
 Town & Regional Planning
 Transportation Planning
 Business Planning & Development
 Project Management

PO Box 1152, Cape Gate, 7562
 Unit 5 Stellen Villa, Kronendal Cr., Stellenberg, 7550, WC
 Tel: +27(0)84-410-6132
 Fax: +27 (0)86-524-8738
 Email: martinj@plan4sa.co.za
 Web: www.plan4sa.co.za

Application Number: LU/10301
 Municipal File Reference Number: Erf 2751, Stellenbosch
 Applicant Reference Number: 19P001/Erf 2751 STB

Date: 16 November 2020

MAIL TO:
 The Director: Planning & Economic Development
 Stellenbosch Municipality
 PO Box 17
STELLENBOSCH
 7599

FILE NR:	
SCAN NR:	E 2751 S
COLLABORATOR NR:	698122

Attention: [Siyanda Zangqa](mailto:siyanda.zangqa@stellenbosch.gov.za) / [Nicole Katts](mailto:nicole.katts@stellenbosch.gov.za)
 Email: siyanda.zangqa@stellenbosch.gov.za / nicole.katts@stellenbosch.gov.za
 Copy to: Widmark Moses
 Email: Widmark.moses@stellenbosch.gov.za

Dear Sir / Madam

LAND USE APPLICATION NUMBER: LU/10301
ADVERTISEMENT PERIOD: PORTFOLIO OF EVIDENCE

Your letter dated 25 August 2020 in the abovementioned regard has reference.

The advertisement and comment period for the abovementioned land use application have been concluded. As per your instruction, please find attached hereto the following portfolio of evidence:

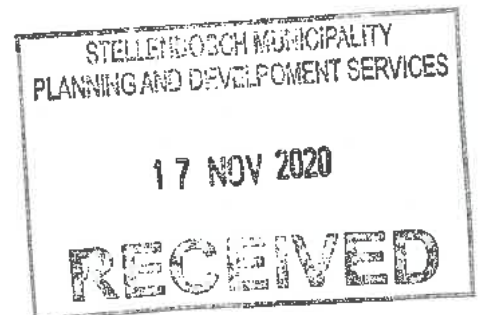
- Annexure 1: Portfolio of Evidence Checklist and Signed Declaration
- Annexure 2: Stellenbosch Municipality Notice Approval
- Annexure 3: Newspaper Publication(s)
- Annexure 4: Site Notice Photos
- Annexure 5: Email Notices
- Annexure 6: Registered Mail Slips & Letters
- Annexure 7: Comments / objections received
- Annexure 8: Emails sent / received

NEWSPAPER PUBLICATIONS

Two advertisements (1 x English and 1 x Afrikaans) were published in the Eikestad Nuus/News (Ms Fran van Niekerk) on 10 September 2020. The closing date for public comments (30-days) was 12 October 2020. The 60-day comment period for state entities ended on 9 November 2020. Relevant officials of Stellenbosch Municipality's Planning Department were copied in all email correspondence with the Eikestad Nuus/News and they were fully aware of the publication date.

SITE NOTICES

Two A3 notices were put up on the site on 9 September 2020. A site visit was conducted on 6 October 2020 during which it was found that the original two notices were still in place.



NOTICES SENT VIA EMAIL

In an email dated 4 September 2020, Ms Nicole Katts confirmed that the following understanding regarding the sending of notices via email and/or registered mail is correct:

- Registered mail (notices/letters) will only be sent to Interested & Affected Parties who does not have an email address.
- Email notices will be sent to all Interested & Affected Parties who does have an email address

Of the 16 affected properties that were identified only one (1) property owner who did not have an email address. Email notifications, in the format prescribed by the Municipality, were thus sent (on 10 September 2020) to the owners of the following properties:

- Farm 306-Erf 16510 Stellenbosch
- Farm 309/2-Erf 18502 Stellenbosch
- Farm 309-Erf 16501 Stellenbosch
- Erf 1188 Stellenbosch
- Erf 1486 Stellenbosch
- Erf 1429 Stellenbosch
- Erf 1430 Stellenbosch
- Erf 1432 Stellenbosch
- Erf 1407 Stellenbosch
- Erf 1409 Stellenbosch
- Erf 1381 Stellenbosch
- Erf 14809 Stellenbosch
- Erf 1370 Stellenbosch
- Erf 1371 Stellenbosch
- Erf 1372 Stellenbosch

Email notifications were also sent (on 10 September 2020) to the following Interested & Affected Parties:

- Stellenbosch Ratepayers Association
- Stellenbosch Interest Group

The Stellenbosch Municipality's Instruction Letter indicated that it is not necessary to send any notices to External Departments. Relevant officials of Stellenbosch Municipality's Planning Department were copied in all email correspondence.

REGISTERED MAIL: SLIPS AND LETTERS

Notices/letters were sent via registered mail on 9 September 2020 to the affected property owner of Erf 1410 Stellenbosch who could not receive an electronic notice via email.

The Stellenbosch Municipality's Instruction Letter indicated that it is not necessary to send any notices to External Departments.

UNCLAIMED / RETURNED REGISTERED MAIL

At the time of compilation of this Portfolio of Evidence, no registered mail letters were returned as unclaimed.

COMMENTS / OBJECTIONS RECEIVED

No objections were received against the application.

At the time of preparation of this letter and portfolio of evidence, comments in SUPPORT of the application were received from the following parties / stakeholders:

- Stellenbosch Municipality Development (Infrastructure Services)(Civil Engineering Services & Traffic Engineering)

The abovementioned municipal department supports the application subject to conditions relating to the parking and parking access from "Die Laan".

APPLICANT'S RESPONSE ON OBJECTIONS RECEIVED

No objections were received against the application and therefore no response is required in this regard.

The conditions laid down by the Stellenbosch Municipality's Traffic Engineering Manager is acceptable and will be implemented by the relevant Municipal Department responsible for the implementation of this project.

IN CONCLUSION

I believe that the advertisement process was done in accordance with the requirements set out in the Municipal Instruction Letter and the Stellenbosch Municipal Land Use Planning By-Law (2015).

Regards

**MARTIN JONKER****Director****For PLAN 4 SA (Pty) Ltd**

C:\Users\Martin\Documents\Business\Plan 4 SA\Projects\2019\19P001_STB LED HUB LUAs_2019\117\Submission\LUAs_STB, Erven 2751, 6314 (Agr Hall)\M. Advertisements\1. POE Letter\Letter (LU10301)_STB MUN-POE_20201115_Rev 00.docx

ADVERTISING INSTRUCTION	YES	NO
Advertise in press (Eikestad Nuus)	✓	
Notice on the property	✓	
Registered letters to affected property owners	✓	
Registered letters to community organizations	✓	
External departments		✓

AFFECTED/INTERESTED PROPERTY OWNERS LIST

30 DAYS TO COMMENT

Farm 306 - Erf 16510

Farm 309/2 - Erf 16502

Farm 309 - Erf 16501

Erf 1188

Erf 1486

Erf 1429

Erf 1430

Erf 1432

Erf 1407

Erf 1409

Erf 1410

Erf 1381

Erf 14609

Erf 1370

Erf 1371

Erf 1372

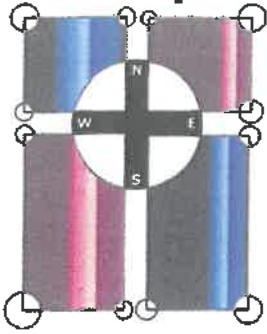
Stellenbosch Ratepayers Association

E-Mail: info@stellenboschratedpayers.org

Stellenbosch Interest Group

E-Mail: info@stellenboschinterestgroup.org

PLAN 4 SA



www.plan4sa.co.za

ANNEXURE 1: CHECKLIST & AFFIDAVIT / DECLARATION

HEAD OFFICE
PO Box 1152,
Cape Gate,
7562



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

DEPARTMENT OF DEVELOPMENT MANAGEMENT

LAND DEVELOPMENT APPLICATION:

PUBLIC PARTICIPATION PROCESS PORTFOLIO OF EVIDENCE CHECKLIST AND DECLARATION

Erf/Erven Farm no	2751	Portion(s) if farm		Allotment Area	Stellenbosch		
Owner/ Applicant	Stellenbosch Municipality			LU/#	LU/10301		
Notice Period	From:	10 September 2020		To:	12 October 2020		
CONFIRMATION OR DOCUMENTATION SUBMITTED				OWNER/APPLICANT			ADMIN VERIFY
				YES	NO	N/A	
1. The declaration is duly signed				YES			✓
2. Applicant confirms that the public participation process was duly undertaken as instructed and attached to this POE.				YES			✓
3. Approval for notices were obtained prior to the public participation process and attached to this POE.				YES			✓
4. Municipality informed of the start date and closure date.				YES			✓
5. The advertisement period complies with the required 30 days (60 days for state entities).				YES			✓
6. If applicable, confirms that the site notice was placed and kept on site for the duration of the public participation process.				YES			✓
7. All communications (other than notices) in respect of the public participation process attached.				YES			✓
Proof of notices published							
8. If applicable, photo evidence to confirm site notice.				YES			✓
9. Wording of the advertisement accurate as approved & attached.				YES			✓
10. Proof of notices published (Publication date visible)				YES			✓
Proof of notices served							
11. Wording of notice accurate as approved and attached				YES			✓
12. Proof of all notices served to neighbouring properties attached				YES			✓
13. Proof of all notices to Interest & Community Groups attached				YES			✓
14. Proof of all notices to Govt. Dept's and Entities attached						(N/A)	
Comments received							
15. All objections/comments received attached				YES			✓
16. All comments from internal Municipal Departments received (must also be attached to POE).				YES			✓
17. Applicant's comments on all the objections attached				YES			✓

Please complete and sign the following declaration on above:

DECLARATION

I, (full names & surname) **MARTIN JONKER**

and ID #: ~~XXXXXXXXXX~~, as the Applicant for the above application,

hereby confirms that the public participation process for the subject application was duly undertaken in accordance with the instruction for such process and the associated requirements stipulated in the Stellenbosch Municipal Land Use Planning Bylaw, and that the information contained in the above checklist and the accompanied information and documentation in the portfolio of evidence for the concluded public participation process, are accurate and complete:

Duly signed by the APPLICANT **MARTIN JONKER (PLAN 4 SA (PTY) LTD)** on this date/ month/ year

16 NOVEMBER 2020 at place **STELLENBERG, DURBANVILLE**



16 NOVEMBER 2020

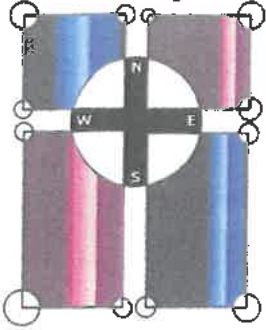
Signature Applicant

Date

<i>For office use only</i>	
CHECKED BY ADMINISTRATIVE OFFICER	<i>J. Katt</i> 23.11.2020
CHECKED BY TOWN PLANNER	
DATE VERIFIED	

NOTES TO BE RECORDED:

PLAN 4 SA



www.plan4sa.co.za

ANNEXURE 2: SM NOTICE APPROVAL

HEAD OFFICE
PO Box 1152,
Cape Gate,
7562

Martin Jonker

From: Siyanda Zangqa <Siyanda.Zangqa@stellenbosch.gov.za>
Sent: 31 August, 2020 4:10 PM
To: Martin Jonker; Nicole Katts
Cc: Widmark Moses
Subject: RE: [EX] FW: LU/10301 (ERF 2751 STB): DRAFT ADVERTISEMENT

Good day Martin,

I hope you are well.

Yes, everything is in order you can proceed with advertising.

Kind regards,

Siyanda Zangqa (Pr.Pln)

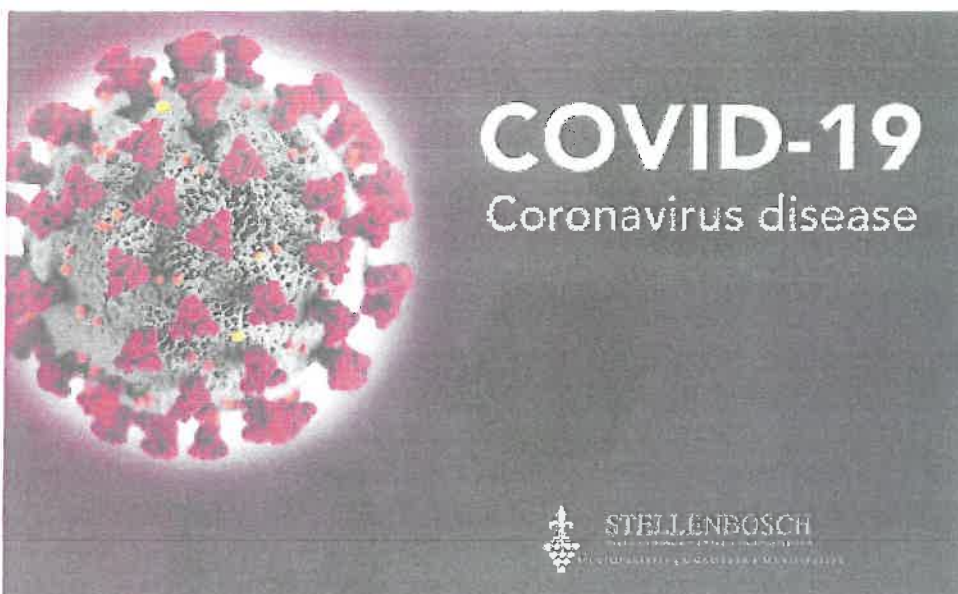
Town Planner

Land Use Management: Planning & Economic Development

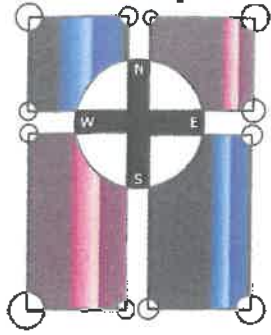
Email: Siyanda.Zangqa@stellenbosch.gov.za T: +27 21 808 8667 • F: +27 21 886 6899
 Plein Street, Stellenbosch, 7600 • PO Box 17, Stellenbosch, 7599
www.stellenbosch.gov.za



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PLAN 4 SA



www.plan4sa.co.za

ANNEXURE 3: NEWSPAPER PUBLICATIONS

HEAD OFFICE
PO Box 1152,
Cape Gate,
7562

**NOTICE OF LAND DEVELOPMENT APPLICATION
IN THE STELLENBOSCH MUNICIPAL AREA
NOTICE 51/2020**

APPLICATION FOR REZONING AND PERMANENT DEPARTURE: ERF 2235 FRANSCHHOEK

Application Address: Intersection of Beaucoup De L'eau Street and Lower Lea Smith Street, Grondal, Franschhoek.

Applicant: Plan 4 SA (Pty) Ltd
Mr Martin Jonker
Telephone: 084-410-6132
Email: martin@plan4sa.co.za

Owner: Stellenbosch Municipality;
Mr Piet Smit or Mr Widmark Moses;
Telephone: 021-808-8189 or 084-506-5065 (Mr Piet Smit) / 021-808-8974 or 082-879-8490 (Mr Widmark Moses)
Email: piet.smit@stellenbosch.gov.za / Widmark.moses@stellenbosch.gov.za

Application Reference: LU/16393

Description of land development application:

- Application is made in terms of Section 15(2)(a) of the Stellenbosch Municipal Land Use Planning By-Law dated 20 October 2015, for the rezoning of a portion of Erf 2235, Franschhoek measuring 15,929m² from Institutional Zone to General Business Zone in order to allow a Local Economic Hub inclusive of offices, shops and related business uses on the property.
- Application is made in terms of Section 15(2)(b) of the Stellenbosch Municipal Land Use Planning By-Law dated 20 October 2015, for a departure to allow vehicle entrance / access & exit ways of wider than 6m where they cross the Beaucoup de L'eau Street boundary of Erf 2235, Franschhoek.
- Application is made in terms of Section 15(2)(b) of the Stellenbosch Municipal Land Use Planning By-Law dated 20 October 2015, for a departure to allow vehicle entrance / access & exit ways of wider than 6m where they cross the Protea Street boundary of Erf 2235, Franschhoek.
- Application is made in terms of Section 15(2)(b) of the Stellenbosch Municipal Land Use Planning By-Law dated 20 October 2015, for a departure to allow more than one vehicle entrance / access ways and more than one vehicle exit way along the Beaucoup de L'eau Street boundary of Erf 2235, Franschhoek.

Notice is hereby given in terms of the said Bylaw that the above-mentioned application has been submitted to the Stellenbosch Municipality for consideration. The application is available for inspection on the Planning Portal of the Stellenbosch Municipal Website for the duration of the public participation process at the following address: <https://www.stellenbosch.gov.za/planning/documents/planning-notices/land-use-applications-advertisements>. If the website or documents cannot be accessed, an electronic copy of the application can be requested from the Applicant.

Written comments, which must include the reference to the application, the name, contact details and physical address of the person to submit the comments, the reasons for the comments, and the interest of the person in the application, may be submitted in terms of Section 50 of the said Bylaw to the Applicant by electronic mail as follows:

- Plan 4 SA (Pty) Ltd
- Contact: Mr Martin Jonker
- Email: martin@plan4sa.co.za

The comments must be submitted within 30 days from the date of this notice to be received on or before the closing date of 12 OCTOBER 2020

For any enquiries on the Application or the above requirements, or if you are unable to write and/or submit your comments as provided for, you may contact the Applicant for assistance at the e-mail address provided or telephonically at 084-410-6132 during normal office hours (09h00 to 17h00, Mondays to Fridays, excluding Public Holidays).

**KENNISGEWING VAN GRONDONTWIKKELINGSAAANSOEK
IN DIE STELLENBOSCH MUNISIPALE AREA
KENNISGEWING 51/2020**

AANSOEK VIR HERSONERING EN PERMANENTE AFWYKING: ERF 2235 FRANSCHHOEK

Adres van eiendom: Intersekse van Beaucoup De L'eau Street en Laer Lea Smith Street, Grondal, Franschhoek.

Aansoeker: Plan 4 SA (Edms) Bpk
Mr Martin Jonker
Telefoon: 084-410-6132
E-pos: martin@plan4sa.co.za

Eienaar: Stellenbosch Munisipaliteit;
Mnr Piet Smit of Mnr Widmark Moses;
Telefoon: 021-808-8189 of 084-506-5065 (Mnr Piet Smit) / 021-808-8974 of 082-879-8490 (Mnr Widmark Moses)
E-pos: piet.smit@stellenbosch.gov.za / Widmark.moses@stellenbosch.gov.za

Aansoek Verwysing: LU/10393

Beskrywing van grondontwikkelingsaansoek:

- Aansoek word gedoen ingevolge Artikel 15(2)(a) van die Stellenbosch Munisipaliteit: Verordening op Grondgebruikbeplanning (gedateer 20 Oktober 2015) vir die hersonering van 'n gedeelte (15,929m²) van Erf 2235 Franschhoek vanaf Institusioneel na Algemene Besigtheid vir die doeleindes van 'n Plaaslike Ekonomiese Hub/Node wat kantoor, winkel en verwante gebruik op die perseel sal toelaat.
- Aansoek word gedoen ingevolge Artikel 15(2)(b) van die Stellenbosch Munisipaliteit: Verordening op Grondgebruikbeplanning (gedateer 20 Oktober 2015) vir 'n permanente afwyking van die toegangsverreëls (ingang en uitgang) vir Erf 2235 Franschhoek deur 'n voertuigingang en -uitgang van wyer as 6m oor die Beaucoup De L'eau straatgrens van Erf 2235 Franschhoek toe te laat.
- Aansoek word gedoen ingevolge Artikel 15(2)(b) van die Stellenbosch Munisipaliteit: Verordening op Grondgebruikbeplanning (gedateer 20 Oktober 2015) vir 'n permanente afwyking van die toegangsverreëls (ingang en uitgang) vir Erf 2235 Franschhoek deur 'n voertuigingang en -uitgang van wyer as 6m oor die Protea Singel straatgrens van Erf 2235 Franschhoek toe te laat.
- Aansoek word gedoen ingevolge Artikel 15(2)(b) van die Stellenbosch Munisipaliteit: Verordening op Grondgebruikbeplanning (gedateer 20 Oktober 2015) vir 'n permanente afwyking van die toegangsverreëls (ingang en uitgang) vir Erf 2235 Franschhoek deur 'n voertuigingang en -uitgang en meer as een voertuiguitgang oor die Beaucoup De L'eau straatgrens van Erf 2235 Franschhoek toe te laat.

Kennis word hiermee gegee in terme van die genoemde Verordeninge dat bovermelde aansoek by die Stellenbosch Munisipaliteit ingedien is vir oorweging. Die aansoek is beskikbaar vir insae op die Beplanning Portaal van die Stellenbosch Munisipaliteit se Webtuiste vir die tydskied van die publieke deelname proses by die volgende adres: <https://www.stellenbosch.gov.za/planning/documents/planning-notices/land-use-applications-advertisements>. Indien die webtuiste of tersaaklike dokumente nie toeganklik is nie, kan die Aansoeker versoek word om 'n elektroniese kopie beskikbaar te stel.

Skriftelike kommentaar, wat besonderhede ten opsigte van die verwysings nommer van die aansoek, die name, fisiese adres en kontak besonderhede van die persoon wat die kommentaar lewer, die redes vir die kommentaar, en die belang van die persoon wat die kommentaar lewer in die aansoek, kan ingedien word in terme van Artikel 50 van genoemde Verordeninge aan die Aansoeker by wyse van elektroniese pos as volg:

- Plan 4 SA (Edms) Bpk
- Kontak: Mr Martin Jonker
- E-pos: martin@plan4sa.co.za

Die kommentaar moet binne 30 dae vanaf die datum van hierdie kennisgewing gestuur word en moet ontvang word voor of op die laaste dag van die sluitings datum van 12 OKTOBER 2020

Indien daar enige navraag op die aansoek of bovermelde vereistes vir die lewer van kommentaar is, of indien dit nie moontlik is om geskrewe kommentaar te lewer of die kommentaar op die wyse te lewer soos vooreenreëping gemaak is nie, kan die Aansoeker geskakel word vir bystand by die vermelde elektroniese pos adres of telefonies by 084-410-6132 gedurende normale kantoor ure (09h00 tot 17h00, Maandae tot Vrydae, uitgesluit Publikedae).

**NOTICE OF LAND DEVELOPMENT APPLICATION
IN THE STELLENBOSCH MUNICIPAL AREA
NOTICE 50/2020**

APPLICATION FOR THE CLOSURE OF PUBLIC OPEN SPACE, REZONING AND AMENDMENT OF CONDITION OF APPROVAL: ERF 2751, STELLENBOSCH

Application Address: Corner of Pastorie Street and The Avenue (Die Laan), Stellenbosch.

Applicant: Plan 4 SA (Pty) Ltd
Mr Martin Jonker
Telephone: 084-410-6132
Email: martin@plan4sa.co.za

Owner: Stellenbosch Municipality;
Mr Piet Smit or Mr Widmark Moses;
Telephone: 021-808-8189 or 084-506-5065 (Mr Piet Smit) / 021-808-8974 or 082-879-8490 (Mr Widmark Moses)
Email: piet.smit@stellenbosch.gov.za / Widmark.moses@stellenbosch.gov.za

Application Reference: LU/10301

Description of land development application:

- Application is made in terms of Section 15(2)(n) of the Stellenbosch Municipal Land Use Planning By-Law dated 20 October 2015, for a closure of a public place in order to close a part of the Public Open Space being Lease Area 1 (1020m²) and Lease Area 2 (1517m²) over Erf 2751, Stellenbosch.
- Application is made in terms of Section 15(2)(a) of the Stellenbosch Municipal Land Use Planning By-Law dated 20 October 2015, to rezone Lease Area 1 (1020m²) over Erf 2751, Stellenbosch from Public Open Space to Local Authority in order to accommodate public parking.
- Application is made in terms of Section 15(2)(a) of the Stellenbosch Municipal Land Use Planning By-Law dated 20 October 2015, to rezone Lease Area 2 (1517m²) over Erf 2751, Stellenbosch from Public Open Space to General Business.
- Application is made in terms of Section 15(2)(i) of the Stellenbosch Municipal Land Use Planning By-Law dated 20 October 2015, for a permission required in terms of a condition of approval in order to extend the validity of a temporary departure previously approved on 16 September 2016, in order to use Erf 2751, Stellenbosch and a portion of the road known as "Die Laan", for a one day event (Heritage Festival) on 24 September, for five years (2020 - 2025).

Notice is hereby given in terms of the said Bylaw that the above-mentioned application has been submitted to the Stellenbosch Municipality for consideration. The application is available for inspection on the Planning Portal of the Stellenbosch Municipal Website for the duration of the public participation process at the following address: <https://www.stellenbosch.gov.za/planning/documents/planning-notices/land-use-applications-advertisements>. If the website or documents cannot be accessed, an electronic copy of the application can be requested from the Applicant.

Written comments, which must include the reference to the application, the name, contact details and physical address of the person to submit the comments, the reasons for the comments, and the interest of the person in the application, may be submitted in terms of Section 50 of the said Bylaw to the Applicant by electronic mail as follows:

- Plan 4 SA (Pty) Ltd
- Contact: Mr Martin Jonker
- Email: martin@plan4sa.co.za

The comments must be submitted within 30 days from the date of this notice to be received on or before the closing date of 12 OCTOBER 2020

For any enquiries on the Application or the above requirements, or if you are unable to write and/or submit your comments as provided for, you may contact the Applicant for assistance at the e-mail address provided or telephonically at 084-410-6132 during normal office hours (09h00 to 17h00, Mondays to Fridays, excluding Public Holidays).

**KENNISGEWING VAN GRONDONTWIKKELINGSAAANSOEK
IN DIE STELLENBOSCH MUNISIPALE AREA
KENNISGEWING 50/2020**

AANSOEK VIR SLUITING VAN 'N OPENBARE PLEK, HERSONERING EN WYSGING VAN 'N GOEDKEURINGSE VOORWAARDE: ERF 2751, STELLENBOSCH

Adres van eiendom: Hoek van Pastorie Street en Die Laan, Stellenbosch.

Aansoeker: Plan 4 SA (Edms) Bpk
Mr Martin Jonker
Telefoon: 084-410-6132
E-pos: martin@plan4sa.co.za

Eienaar: Stellenbosch Munisipaliteit;
Mnr Piet Smit of Mnr Widmark Moses;
Telefoon: 021-808-8189 of 084-506-5065 (Mnr Piet Smit) / 021-808-8974 of 082-879-8490 (Mnr Widmark Moses)
E-pos: piet.smit@stellenbosch.gov.za / Widmark.moses@stellenbosch.gov.za

Aansoek Verwysing: LU/10301

Beskrywing van grondontwikkelingsaansoek:

- Aansoek word gedoen ingevolge Artikel 15(2)(n) van die Stellenbosch Munisipaliteit: Verordening op Grondgebruikbeplanning (gedateer 20 Oktober 2015) vir 'n sluiting van 'n Openbare Plek om sodoende 'n gedeelte van die Openbare Plek bekend as Huur Area 1 (1020m²) en Huur Area 2 (1517m²) oor Erf 2751, Stellenbosch te sluit.
- Aansoek word gedoen ingevolge Artikel 15(2)(a) van die Stellenbosch Munisipaliteit: Verordening op Grondgebruikbeplanning (gedateer 20 Oktober 2015) vir 'n hersonering van Huur Area 1 (1020m²) oor Erf 2751, Stellenbosch van Openbare Plek na Plaaslike Owerheids gebruik om sodoende die publieke parkeerterrein te akkommodeer.
- Aansoek word gedoen ingevolge Artikel 15(2)(a) van die Stellenbosch Munisipaliteit: Verordening op Grondgebruikbeplanning (gedateer 20 Oktober 2015) vir 'n hersonering van Huur Area 2 (1517m²) oor Erf 2751, Stellenbosch van Openbare Plek na Algemene Besigtheid.
- Aansoek word gedoen ingevolge Artikel 15(2)(i) van die Stellenbosch Munisipaliteit: Verordening op Grondgebruikbeplanning (gedateer 20 Oktober 2015) vir toestemming in terme van 'n goedkeuringse voorwaarde om die geldigheid van 'n tydelike afwyking, wat vooreenreëping gemaak is op 16 September 2016, te verleng vir vyf jaar (2020-2025) om sodoende Erf 2751, Stellenbosch en 'n gedeelte van die pad bekend as "Die Laan" vir 'n eendag fees geleentheid (Erfenis Fees) op 24 September te gebruik.

Kennis word hiermee gegee in terme van die genoemde Verordeninge dat bovermelde aansoek by die Stellenbosch Munisipaliteit ingedien is vir oorweging. Die aansoek is beskikbaar vir insae op die Beplanning Portaal van die Stellenbosch Munisipaliteit se Webtuiste vir die tydskied van die publieke deelname proses by die volgende adres: <https://www.stellenbosch.gov.za/planning/documents/planning-notices/land-use-applications-advertisements>. Indien die webtuiste of tersaaklike dokumente nie toeganklik is nie, kan die Aansoeker versoek word om 'n elektroniese kopie beskikbaar te stel.

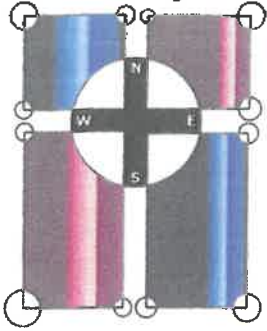
Skriftelike kommentaar, wat besonderhede ten opsigte van die verwysings nommer van die aansoek, die name, fisiese adres en kontak besonderhede van die persoon wat die kommentaar lewer, die redes vir die kommentaar, en die belang van die persoon wat die kommentaar lewer in die aansoek, kan ingedien word in terme van Artikel 50 van genoemde Verordeninge aan die Aansoeker by wyse van elektroniese pos as volg:

- Plan 4 SA (Edms) Bpk
- Kontak: Mr Martin Jonker
- E-pos: martin@plan4sa.co.za

Die kommentaar moet binne 30 dae vanaf die datum van hierdie kennisgewing gestuur word en moet ontvang word voor of op die laaste dag van die sluitings datum van 12 OKTOBER 2020

Indien daar enige navraag op die aansoek of bovermelde vereistes vir die lewer van kommentaar is, of indien dit nie moontlik is om geskrewe kommentaar te lewer of die kommentaar op die wyse te lewer soos vooreenreëping gemaak is nie, kan die Aansoeker geskakel word vir bystand by die vermelde elektroniese pos adres of telefonies by 084-410-6132 gedurende normale kantoor ure (09h00 tot 17h00, Maandae tot Vrydae, uitgesluit Publikedae).

PLAN 4 SA



www.plan4sa.co.za

ANNEXURE 4: SITE NOTICE PHOTOS

HEAD OFFICE
PO Box 1152,
Cape Gate,
7562

9 SEPTEMBER 2020

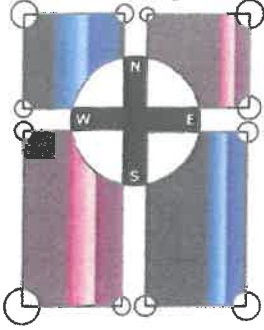


6 OCTOBER 2020





PLAN 4 SA



www.plan4sa.co.za

ANNEXURE 5: EMAIL NOTICES

HEAD OFFICE
PO Box 1152,
Cape Gate,
7562

Martin Jonker

From: Martin Jonker <martinj@plan4sa.co.za>
Sent: 10 September, 2020 9:07 AM
To: 'anietacalitz@gmail.com'
Cc: Nicole Katts (nicole.katts@stellenbosch.gov.za); 'Siyanda Zangqa'; Widmark Moses (widmark.moses@stellenbosch.gov.za)
Subject: LU/10301: ERF 2751 STELLENBOSCH
Attachments: Email(LU10301)_STB, Erf 2751-Erf 1409 STB_20200903_FINAL.pdf

Importance: High

Dear Sir / Madam

NOTICE OF LAND DEVELOPMENT APPLICATION TO INTERESTED AND AFFECTED PARTIES FOR COMMENT: APPLICATION FOR THE CLOSURE OF PUBLIC OPEN SPACE, REZONING AND AMENDMENT OF CONDITION OF APPROVAL: ERF 2751, STELLENBOSCH

Neem asseblief kennis dat hierdie kennisgewing in Afrikaans na die Engelse weergawe volg. The following land use application in terms of the Stellenbosch Land Use Planning Bylaw, 2015, refers.

Application Property Address: Corner of Pastorie Street and The Avenue (Die Laan), Stellenbosch.

Application Property Number: Erf 2751 Stellenbosch

Applicant: Plan 4 SA (Pty) Ltd
 Mr Martin Jonker;
Telephone: 084-410-6132
Email: martinj@plan4sa.co.za

Owner: Stellenbosch Municipality;
 Mr Piet Smit or Mr Widmark Moses;
Telephone: 021-808-8189 or 084-506-5065 (Mr Piet Smit)
Telephone: 021-808-8974 or 082-879-8490 (Mr Widmark Moses)
Email: piet.smit@stellenbosch.gov.za / Widmark.moses@stellenbosch.gov.za

Application Reference: LU/10301

Application Type: The closure of public open space, rezoning and amendment of condition of approval: Erf 2751, Stellenbosch.

Detail description of land use or development proposal, including its intent and purpose:

1. Application is made in terms of Section 15(2)(n) of the Stellenbosch Municipal Land Use Planning By-Law dated 20 October 2015, for a closure of a public place in order to close a part of the Public Open Space being Lease Area 1 (1020m²) and Lease Area 2 (1517m²) over Erf 2751, Stellenbosch.
2. Application is made in terms of Section 15(2)(a) of the Stellenbosch Municipal Land Use Planning By-Law dated 20 October 2015, to rezone Lease Area 1 (1020m²) over Erf 2751, Stellenbosch from Public Open Space to Local Authority in order to accommodate public parking.
3. Application is made in terms of Section 15(2)(a) of the Stellenbosch Municipal Land Use Planning By-Law dated 20 October 2015, to rezone Lease Area 2 (1517m²) over Erf 2751, Stellenbosch from Public Open Space to General Business.
4. Application is made in terms of Section 15(2)(l) of the Stellenbosch Municipal Land Use Planning By-Law dated 20 October 2015, for a permission required in terms of a condition of approval in order to extend the validity of a temporary departure previously approved on 16 September 2016, in order to use Erf 2751, Stellenbosch and a portion of the road known as "Die Laan", for a one day event (Heritage Festival) on 24 September, for five years (2020 – 2025).

Notice is hereby given in terms of the provisions of Section 46 of the said Bylaw that the above-mentioned application has been submitted to the Stellenbosch Municipality for consideration. The application is available for inspection on the Planning Portal of the Stellenbosch Municipal Website for the duration of the public participation process at the following address: [<https://www.stellenbosch.gov.za/planning/documents/planning-notices/land-use-applications-advertisements>]. If the website or documents cannot be accessed, an electronic copy of the application can be requested from the Applicant.

You are hereby invited to submit comments and / or objections on the application in terms of Section 50 of the said bylaw with the following requirements and particulars:

- The comments must be made in writing;
- The comments must refer to the Application Reference Number and Address,
- The name of the person that submits the comments;
- The physical address and contact details of the person submitting the comments;
- The interest that the person has in the subject application;
- The reasons for the comments, which must be set out in sufficient detail in order to:
 - Indicate the facts and circumstances that explain the comments;
 - Where relevant demonstrate the undesirable effect that the application will have if approved;
 - Where relevant demonstrate any aspect of the application that is not considered consistent with applicable policy; and
 - Enable the applicant to respond to the comments.

The comments must be addressed to the applicant by electronic mail as follows:

- **Plan 4 SA (Pty) Ltd**
- **Contact: Mr Martin Jonker**
- **Email: martinj@plan4sa.co.za**

The comments must be submitted within **30 days** from the date of this notice to be received on or before the closing date of **12 OCTOBER 2020**.

It should be noted that the Municipality, in terms of Section 50(5) of the said Bylaw, may refuse to accept any comments/ objection received after the closing date.

For any enquiries on the Application or the above requirements, or if you are unable to write and /or submit your comments as provided for, you may contact the Applicant for assistance at the e-mail address provided or telephonically at **084-410-6132** during normal office hours (09h00-17h00, Mondays to Fridays).

Regards

MARTIN JONKER
Director
For PLAN 4 SA (Pty) Ltd

COPIES TO:
The Director: Planning & Economic Development
Stellenbosch Municipality
PO Box 17
Stellenbosch
7599

Geagte Meneer / Mevrouw / Mejuffrou

KENNISGEWING VAN GROND ONTWIKKELINGS AANSOEK AAN GEINTERESEERDE EN GEAFFEKTEERDE PARTYE VIR KOMMENTAAR: AANSOEK VIR SLUITING VAN 'N OPENBARE PLEK, HERSONERING EN WYSIGING VAN 'N GOEDKEURINGS VOORWAARDE: ERF 2751, STELLENBOSCH

Die volgende grondgebruiksaanseke in terme van Stellenbosch se Verordeninge op Grondgebruikbeplanning, 2015, verwys.

Adres van Aansoek Eiendom: Hoek van Pastorie Straat en Die Laan, Stellenbosch.

Aansoek Eiendom Erf 2751 Stellenbosch
Beskrywing:

Aansoeker: Plan 4 SA (Edms) Bpk
Mnr Martin Jonker;
Telefoon: 084-410-6132
Epos: martini@plan4sa.co.za

Eienaar: Stellenbosch Munisipaliteit;
Mnr Piet Smit of Mnr Widmark Moses;
Telefoon: 021-808-8189 or 084-506-5065 (Mr Piet Smit)
Telefoon: 021-808-8974 or 082-879-8490 (Mr Widmark Moses)
Epos: piet.smit@stellenbosch.gov.za / Widmark.moses@stellenbosch.gov.za

Aansoek Verwysing: LU/10301

Tipe Aansoek: Aansoek vir sluiting van 'n openbare plek, hersonering en wysiging van 'n goedkeurings voorwaarde: Erf 2751, Stellenbosch

Besonderhede van die grondgebruiksaansoek insluitende die doel en uitkoms:

1. Aansoek word gedoen ingevolge Artikel 15(2)(n) van die Stellenbosch Munisipaliteit: Verordening op Grondgebruikbeplanning (gedateer 20 Oktober 2015) vir 'n sluiting van 'n Openbare Plek om sodoende 'n gedeelte van die Openbare Plek bekend as Huur Area 1 (1020m²) en Huur Area 2 (1517m²) oor Erf 2751, Stellenbosch te sluit.

2. Aansoek word gedoen ingevolge Artikel 15(2)(a) van die Stellenbosch Munisipaliteit: Verordening op Grondgebruikbeplanning (gedateer 20 Oktober 2015) vir die hersonering van Huur Area 1 (1020m²) oor Erf 2751, Stellenbosch van Openbare Plek na Plaaslike Owerheids gebruik om sodoende die publieke parkering te akkommodeer.
3. Aansoek word gedoen ingevolge Artikel 15(2)(a) van die Stellenbosch Munisipaliteit: Verordening op Grondgebruikbeplanning (gedateer 20 Oktober 2015) vir die hersonering van Huur Area 2 (1517m²) oor Erf 2751, Stellenbosch van Openbare Plek na Algemene Besigheid.
4. Aansoek word gedoen ingevolge Artikel 15(2)(i) van die Stellenbosch Munisipaliteit: Verordening op Grondgebruikbeplanning (gedateer 20 Oktober 2015) vir toestemming in terme van 'n goedkeurings voorwaarde om die geldigheid van 'n tydelike afwyking, wat voorheen goedgekeur was op 16 September 2016, te verleng vir vyf jaar (2020-2025) om sodoende Erf 2751, Stellenbosch en 'n gedeelte van die pad bekend as "Die Laan" vir 'n eendag fees geleentheid (Erfenis Fees) op 24 September te gebruik.

Kennis word hiermee gegee in terme van die voorskrifte van die Artikel 46 van die genoemde Verordeninge dat bovermelde aansoek by die Stellenbosch Munisipaliteit ingedien is vir oorweging. Die aansoek is beskikbaar vir insae op die Beplannings Portaal van die Stellenbosch Munisipaliteit se Webtuiste vir die tydskedule van die publieke deelname proses by die volgende adres:

[<https://www.stellenbosch.gov.za/planning/documents/planning-notice/land-use-applications-advertisements>]. Indien die webtuiste of tersaaklike dokumente nie toeganklik is nie, kan die Aansoeker versoek word om 'n elektroniese kopie van die aansoek beskikbaar te stel.

Kommentaar en/ of besware kan vervolgens gedien word op die aansoek in terms van Artikel 50 van die tersaaklike Verordening wat die volgende vereistes en besonderhede moet bevat:

- Die kommentaar moet skriftelik wees;
- Die kommentaar moet die aansoek se verwysings nommer en adres insluit;
- Die naam van die persoon wat die kommentaar lewer;
- Die fisiese adres en kontak besonderhede van die persoon wat die kommentaar lewer.
- Die belang wat die persoon wat die kommentaar lewer, in die aansoek het.
- Die redes vir die kommentaar wat gelewer word, welke redes genoegsame besonderhede moet bevat ten opsigte van die volgende aspekte:
 - Die feite en omstandighede aantoon wat die die kommentaar toelig;
 - Indien toepaslik, aantoon wat die onwenslike resultaat sal wees indien die aansoek goedgekeur word;
 - Waar toepaslik moet aangetoon word indien enige aspek van die aansoek strydig geag word met enige relevante beleid;
 - Dat die insette voldoende inligting sal gee wat die aansoeker in staat sal stel om kommentaar daarop te lewer.

Die kommentaar moet by wyse van elektroniese pos aan die Aansoeker gestuur word as volg:

- Plan 4 SA (Edms) Bpk
- Kontak: Mr Martin Jonker
- Epos: martinj@plan4sa.co.za

Die kommentaar moet binne **30 dae** vanaf die datum van hierdie kennisgewing gestuur word en moet ontvang word voor of op die laaste dag van die sluitings datum van **12 OKTOBER 2020**.

Daar moet kennis geneem word dat die Munisipaliteit, in terme van Artikel 50(5) van die vermelde Verordeninge, mag weier om enige kommentaar / beswaar te aanvaar wat na die sluitingsdatum ontvang word.

Indien daar enige navrae op die aansoek of bovermelde vereistes vir die lewer van kommentaar is, of indien dit nie moontlik is om geskrewe kommentaar te lewer of die kommentaar op die wyse te lewer soos voorsiening gemaak is nie, kan die Aansoeker geskakel word vir bystand by die vermelde elektroniese pos adres of telefonies by **084-410-6132** gedurende normale kantoor ure (09h00 tot 17h00, Maandae tot Vrydae, uitgesluit publieke vakansie dae).

Die uwe

MARTIN JONKER

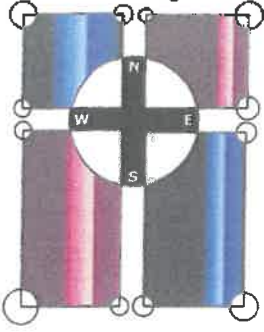
Dir. ,kteur

Namens PLAN 4 SA (Edms) Bpk

AFSKRIF AAN:

The Director: Planning & Economic Development
Stellenbosch Municipality
PO Box 17
Stellenbosch
7599

PLAN 4 SA



www.plan4sa.co.za

ANNEXURE 6: REGISTERED MAIL SLIPS & LETTERS

HEAD OFFICE
PO Box 1152,
Cape Gate,
7562

Post Office REGISTERED LETTERS
Post Office Geregistreeerde Briewe
with an insurance option/met 'n versekeringsopsie)
Full tracking and tracing/Volledige volg en spoor



Post Office

Post address/Postadres:
To: Martin Jonker
Plan 4 SA (Pty) Ltd
PO Box 1152, Cape Gate, 7562
Tel: 084 410 6133

Enquiries/Navrae
Toll-free number
Tolvry nommer
0800 111 502

Post address/Postadres	Postage/Postgeld	Insurance fee/Versekeringsgeld	Service fee/Diensgeld	Total/Total
Mnr/Me JH Cloete; [Redacted] Stellenbosch; 7600				

CAPE GATE 7562
10-09-2020
BRANCH MANAGER

REGISTERED LETTER
GEREGISTREEERDE BRIEF
(with an insurance option/met 'n versekeringsopsie)



Full tracking and tracing/Volledige volg en spoor

Addressed to/Geadresseer aan
Mnr/Me JH Cloete
[Redacted]
Stellenbosch
7600

Postage paid R _____ C
Service fee/Diensgeld R _____ C
Insurance/Versekering R _____ C
Total/Totaal R _____ C

Insured value of contents
Versekerde waarde van inhoud R _____ C
Enquiries/Navrae
Toll-free number
Tolvry nommer
0800 111 502

Initial of accepting officer
Date stamp
CAPE GATE 7562
10-09-2020
BRANCH MANAGER

The value of the contents of this letter is as indicated and compensation is not payable for a letter received unconditionally. Compensation is limited to R100.00. No compensation is payable without documentary proof. Optional insurance up to R2 000.00 is available and applies to domestic registered letters only.
Die waarde van die inhoud van hierdie brief is soos aangedui en vergoeding sal nie betaal word vir 'n brief wat sonder voorbehoud ontvang word nie. Vergoeding is beperk tot R100.00. Geen vergoeding is sonder dokumentêre bewys betaalbaar nie. Opsionele versekering tot R2 000.00 is beskikbaar en is slegs op binnelandse geregistreeerde briewe van toepassing.

REGISTERED LETTER
(with a domestic insurance option)
RC387653531ZA
A BOOK COPY
Plate Volg-en-Spoor-kluisstempel

Paraaf van aaneem-beampte
Datumstempel

Total/Total R _____

Paula
Abia

CAPE GATE 7562
10-09-2020
BRANCH MANAGER

PLAN 4 SA



Biological Application Reference Number: 11171201
Application Reference Number: 120107000201018
Candidate Name: [REDACTED]
Email Address: [REDACTED]

REGISTERED MAIL TO:
[REDACTED]
STELLENSBOSCH
7830

MARINE JACLETTE
[REDACTED]
STELLENSBOSCH
7830
Tel: 072-782-4824
Tel: 071-887-2821
tel: 072-222-2222

Publications Approved & Registered
Date of this letter: 12 SEPTEMBER 2020
Date of publication: 12 SEPTEMBER 2020
Date date for submission: 12 OCTOBER 2020

Tel: 072-782-4824 / 071-887-2821
Fax: 072-222-2222

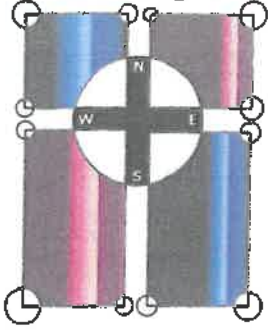
NOTICE OF LAND DEVELOPMENT APPLICATION TO INTERESTED AND AFFECTED PARTIES FOR COMMENT:
APPLICATION FOR THE CLOSURE OF PUBLIC OPEN SPACE, REDUNDANT AND AMBIGUOUS OF CONDITION OF
APPROVAL: ERF 2701, STELLENBOSCH

Application Property Address: Corner of Proteus Street and The Avenue (the Land) Stellenbosch
Application Property Number: Erf 2701 Stellenbosch
Applicant: [REDACTED] (Pty) Ltd
[REDACTED] (Pty) Ltd
14 Main Street
Stellenbosch, 7830
Telephone: 021-887-2821
Email: [REDACTED]

Owner:
[REDACTED] (Pty) Ltd
14 Main Street
Stellenbosch, 7830
Telephone: 021-887-2821 or 021-887-2822 (for the land)
Email: [REDACTED] or [REDACTED] (for the land)
11171201

The delivery of public open space, existing and assessment of availability of
Address: Erf 2701, Stellenbosch
[REDACTED] (Pty) Ltd
[REDACTED] (Pty) Ltd

PLAN 4 SA



www.plan4sa.co.za

ANNEXURE 7: COMMENTS / OBJECTIONS RECEIVED

HEAD OFFICE

PO Box 1152,
Cape Gate,
7562



STELLENBOSCH MUNICIPALITY
STELLENBOSCH · PNIEL · FRANSCHHOEK

MEMORANDUM

DIREKTEUR: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES 19 OCT 2020

To ▫ Aan: Director: Planning + Economic Development
Att Aandag Nicole Katts
From ▫ Van: Manager: Development (Infrastructure Services)
Author ▫ Skrywer: Tyrone King
Date ▫ Datum: 19 October 2020
Our Ref ▫ Ons Verw: Civil LU 2078
Your Ref: LU/10301
Re ▫ Insake: Erf 2751: LED hub and parking

FILE NO	
SCAN NO	E 2751 S
COLLABORATION NR.	

The application is recommended for approval, subject to the following:

1. **Civil Engineering Services**
 - 1.1 No objection, no municipal services are affected.
 - 1.2 The formalization of the parking layout: drawings to be submitted to Infrastructure services for approval before construction.
2. **Traffic Engineering and Parking: Comments from Manager: Traffic Engineering, Mr Nigell Winter (021 808 8223)**
 - 2.1 On Plan 3 "Typical/Concept site layout plan" an entrance\exit is indicated within 5.5m of the Pastorie Street and Die Laan intersection – which is sub-standard and must be closed.
 - 2.2 Only the entrance\exit indicated at 21.5m from the Pastorie Street and Die Laan intersection is accepted and that a vehicle circulation plan must be presented to access parking bays P1-P15.
 - 2.3 These requirements must be addressed and approved by Mr Winter at building plan stage.

3. Electrical Engineering

3.1 Refer to Annexure: Electrical Engineering

**Tyrone King Pr Tech Eng
MANAGER: DEVELOPMENT (INFRASTRUCTURE SERVICES)**

W:\2.0 DEVELOPMENT\00 Developmental\2078 (TK) Erf 2751 Stellenbosch (LU-10301)\2078 (TK) Erf 2751 Stellenbosch (LU-10301).doc

Martin Jonker

From: Nicole Katts <Nicole.Katts@stellenbosch.gov.za>
Sent: 22 October, 2020 10:18 AM
To: 'Martin Jonker'
Cc: Charlene Williams
Subject: ERF 2751 STELLENBOSCH
Attachments: ERF 2751 SB - ENGINEERING COMMENT.pdf

Dear Martin

Please find attached comments received so far for your information and records. I am now waiting for the following outstanding comments, once received you will be updated accordingly.

- Spatial Planning
- Fire Services
- Health
- Electrical



Kind regards / Vriendelike Groete

Nicole Katts

Administrative Officer

Land Use Management

Planning & Economic Development

T: +27 21 808 8318

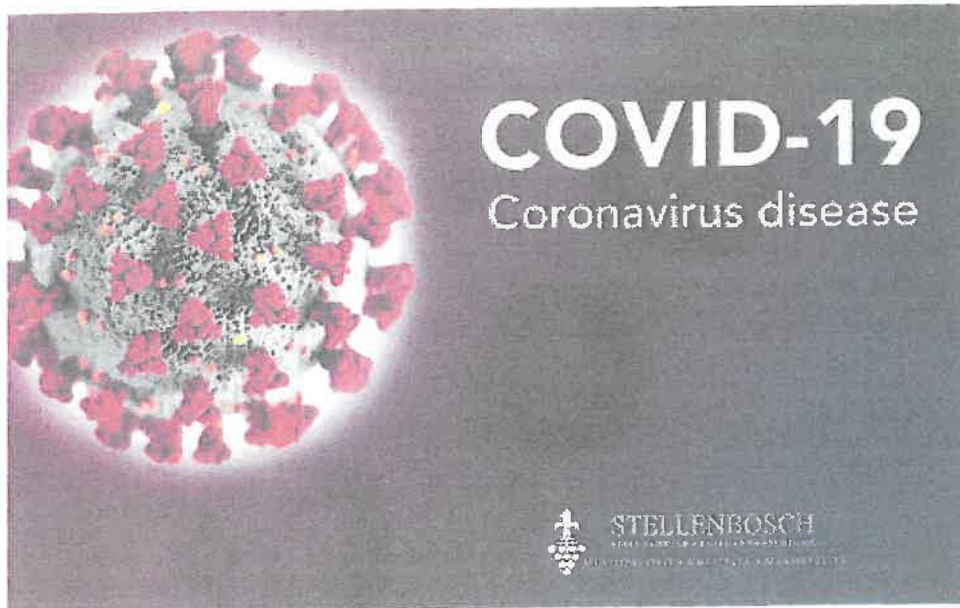
43 Andringa Str, Eikestad Mall, 3rd

Floor

www.stellenbosch.gov.za



Disclaimer and confidentiality note: The legal status of this communication is governed by the terms and conditions published at the following link:
http://www.stellenbosch.gov.za/main_pages/disclaimerpage.htm



Visit the dedicated COVID-19 page on our municipal website for information on this disease:
<https://www.stellenbosch.gov.za/documents/general>

For official COVID-19 advice, updates and queries:

- National Hotline 0800 029 999
- Provincial Hotline 021 9284102
- WhatsApp 0600 123 456

Stay alert, stay updated and stay safe.



About Stellenbosch Municipality

Our mission is to deliver cost-effective services that will provide the most enabling environment for civil and corporate citizens.

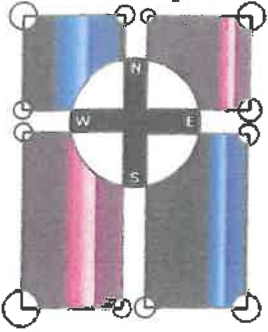
Our head office is at Town House Complex, Plooi Street, Stellenbosch, 7600, South Africa. For more information about Stellenbosch Municipality, please call (27)21-808-6111, or visit

www.stellenbosch.gov.za

Disclaimer

The information contained in this communication from nicole.katts@stellenbosch.gov.za sent at 2020-10-22 10:18:04 is confidential and may be legally privileged. It is intended solely for use by martijn@plan4so.co.za and others authorized to receive it. If you are not martijn@plan4so.co.za you are hereby notified that any disclosure, copying, distribution or taking action in reliance of the contents of this information is strictly prohibited and may be unlawful. Powered by IOCO

PLAN 4 SA



www.plan4sa.co.za

ANNEXURE 8: EMAILS SENT/RECEIVED

HEAD OFFICE

PO Box 1152,
Cape Gate,
7562

Martin Jonker

From: Fran van Niekerk <fran.vniekerk@eikestadnuus.com>
Sent: 14 September, 2020 11:05 AM
To: Martin Jonker
Cc: Nicole Katts; Bulelwa Mdoda; 'Siyanda Zangqa'; Widmark Moses
Subject: RE: COPY OF ADVERT PAGES: ERF 2235 FHK & ERF 2751 STB
Attachments: EikestadNuus-EN-EikeStadNuus-ENEIK008-0009-10.pdf

Hi Martin,
Please find the PDF page attached.

Kind regards,
Fran van Niekerk
072 095 1477

From: Martin Jonker <martinj@plan4sa.co.za>
Sent: Friday, 11 September 2020 09:57
To: Fran van Niekerk <fran.vniekerk@eikestadnuus.com>
Cc: Nicole Katts <nicole.katts@stellenbosch.gov.za>; Bulelwa Mdoda <bulelwa.mdoda@stellenbosch.gov.za>; 'Siyanda Zangqa' <Siyanda.Zangqa@stellenbosch.gov.za>; Widmark Moses <widmark.moses@stellenbosch.gov.za>
Subject: COPY OF ADVERT PAGES: ERF 2235 FHK & ERF 2751 STB
Importance: High

Hi Fran

Hope you are well.

Could you be so kind and email me a copy of the newspaper pages on which the advertisements were placed yesterday:

- LU/10301: Erf 2751 Stellenbosch
- LU/10393: Erf 2235 Franschoek

Thank you in advance.

Regards

MARTIN JONKER, Pr.Pl n A/1090/1999; PMP; MTRP; MBA (Cum Laude)
Director
Professional Planner
Project Management Professional

Plan 4 SA (Pty) Ltd

PO Box 1152, Cape Gate, 7562
Cell: +27 84 410 6132; Fax: +27 86 524 8738
Email: martini@plan4sa.co.za; Web: www.plan4sa.co.za

ANNEXURE E

Manager: Spatial Planning comments



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Spatial Planning, Heritage and Environment

To : Manager: Development Management
 From : Manager: Spatial Planning
 Reference : Erf 2751 (Landbousaal)
 LU Nr : LU/10301
 Date : 7 June 2021
 Re : Application for rezoning of public open space to Local Authority and General Business

FILE NO:	Erf 2751
SCHEM NO:	
COLLABORATION NO:	708/75

I refer to your request for comment on the above application.

APPLICATION

An application was submitted for the following:

1. The closure of a part of the Public Open Space, being Lease Area 1 (1 020m² in extent) and Lease Area 2 (1 517m² in extent) over Erf 2751, Stellenbosch.
2. The rezoning of Lease Area 1 (1 020m² in extent) over Erf 2751, Stellenbosch from Public Open Space to Local Authority (Public Parting Area) in terms of the Stellenbosch Municipal Zoning Scheme Regulations, 1996.
3. The rezoning of Lease Area 2 (1 517m² in extent) over Erf 2751, Stellenbosch from Public Open Space to General Business in terms of the Stellenbosch Municipal Zoning Scheme Regulations, 1996.
4. An extension of the validity period of a temporary departure previously approved under application number LU/4710 on 16 September 2016, to use Erf 2751, Stellenbosch and a portion of the road known as 'Die Laan', for a one-day event (Heritage Festival) on 24 September, for five years, i.e., 2021 - 2026.

BACKGROUND

Stellenbosch Municipality owns various properties many of which are underutilised or not optimally utilised and/or lying dormant. As part of its strategy for inclusive economic growth, one of the key objectives identified by the municipality is to 'make it easier for small enterprises to succeed in competitive markets.

The Stellenbosch Municipal Council, at its meeting of 29 March 2017, granted approval for the establishment of Local Economic Development (LED) Hubs on several municipal owned properties including on Erf 2751 also known as the "Landbousaal". A Call for Proposals for the lease of the LED Hubs were subsequently advertised. A total of six applicants submitted proposals to lease the facilities on Erf 2751, Stellenbosch.

At its meeting of 25 July 2018, Council adopted a resolution to award the rights to the Landbousaal to the Stellenbosch Arts and Stellenbosch Trail Fund subject to a condition that an ongoing legal dispute must be settled. The legal dispute has since been settled.

LOCATION

The property is located along the bank Eerste River on the periphery of the Stellenbosch CBD (Figure 1). The erf is located on the corner of Pastorie Street and The Avenue. Erf 2751 is currently occupied by an open piece of land used for parking long-term parking by students and the public as well as the Landbousaal.



Fig1.- Erf 2751

ZONING AND LAND USE

The property is currently zoned Public Open Space and the existence of the Landbousaal is a contravention of the Zoning Scheme Regulations (Hermansen Burgess Architects). Since the property is not correctly zoned for its current use, rezoning will have to occur whether the *status quo* is retained or not.

There are presently two lease areas registered over the property. Lease Area 1 is leased out for paid public parking and is not developed. Lease Area 2 has two (2) buildings on it which is currently leased out and used for office and shop purposes. (Stellenbosch Trail fund and the Stellenbosch "Craft Alive") subject to the settlement of a legal dispute. It is our understanding that the legal dispute has been resolved amicably. The rest of the property is used as a public open space.

PREVIOUS INVESTIGATIONS

A: The Conversion of the "Landbousaal" to a Restaurant and Theatre Establishment (Hermansen Burges And Jonathan Bloom, 2005)

The then department of Planning and economic Development appointed a consultant team in 2005 to investigate the preferred use of the Landbousaal from a conservation and local economic development perspective.

Following from this investigation several important criteria was discussed and will be briefly referred to below:

1. A need for critical mass

Creation of critical mass aims to bring together different product types along with their markets to create a sense of place, identity, and integration. Different product types, whether for tourism, commercial, residential or entertainment, located near each other (i.e., clustered) attract a wide general market and create demand for individual components. This is evident in the approach taken to the development of tourist precincts, where there is a concentration of elements (the historical core) that come together to form critical mass and create a destination. These elements include accommodation, leisure facilities and commerce and it is the impact of scale and relationship that creates the platform for a successful tourist destination.

The creation of critical mass is about achieving density, linking primary areas of the town, creating investment opportunities, and stimulating socio-economic benefits. Size or scale is a determining factor of the impact that the tourism product offering has on the local, regional, and even national economy. This is in terms of employment creation, skills development, and economic diversification. Piecemeal tourism products, although important, do not have a significant impact on the overall value chain, especially when these are spread out and isolated. A critical mass of accommodation and tourism product that are linked in unique ways (i.e., through transportation facilitation methods such as green areas, trails, pedestrian walkways, etc.) provide the destination with "pulling power". Without critical mass, it is not possible to create the required animation and people movement necessary to establish a competitive position.

Successful tourism involves getting people to stay longer in the area. A failure to achieve a critical mass means that a destination lacks the ability to draw visitors to it for anything more than an hour or a day, a problem the historical core and the broader Stellenbosch is grappling with at present. It is in the interest of local providers to work together to create a critical mass of tourism products of which the opportunity presented by the conversion of the Landbousaal into a commercially viable concern, aims to contribute.

There is a requirement for the Stellenbosch Municipality to begin to create an enabling environment for tourism investment in the central parts of Stellenbosch. By implementing planned projects such as making the town more pedestrian friendly, the CBD area, improving gateways and beautifying areas, an aesthetically pleasing environment could be created that can attract tourists and therefore investors. The aim is to begin to mould the town in such a way that the movement of tourists and residents through various parts of the central areas is maximised through strategic linkages and connection points.

The development of tourism superstructure in the central town area of Stellenbosch would complement the area and serve as a linkage between tourism attractions and the business sector in the immediate vicinity. The existing buildings undoubtedly have an historic image that should be maximised. The prestige associated with the Landbousaal site and its location along the Eerste River requires a vernacular upgrade that maximises effect and animation.

2. Key location attributes and activities

Accessibility: Access to the Landbousaal site is from both Pastorie Street and The Avenue. The nature and scope of the proposed upgrade will determine whether tour busses will be able to park near or on the site. At worst, busses could off-load tourists at the site and collect them later at a designated point. Alternative parking for busses is available in a southerly direction along Pastorie Street, or in Church Street within 200 metres of the site. The site is accessible to pedestrian as well as vehicle traffic due to the availability of parking in The Avenue.

~~The property is located along an established pedestrian and extensive cycle route and is very accessible to pedestrians and NMT.~~

Cohesiveness: There are numerous and mostly small retail activities and tourist attractions in the immediate area, therefore the proposed commercial activities could be aligned and integrated into the existing scope of tourist and business activity. From an economic point of view, the centre could enhance the critical mass of tourist activities and attractions and offer the tourist more to see and do. The beautiful surroundings will be further enhanced by the upgrade of the Landbousaal that maximises its ambience and impact.

Surrounding land uses: The Stellenbosch Municipality owns the two erven, which are bordered by residential homes, the Eerste River, and the Stellenbosch University School of Theology. Stellenbosch University's sports fields and Agronomic Department is located on the opposite side of the river. Although the erven are not more than 700 metres from the CBD, there are no small business activities in the immediate vicinity, but there are several

guesthouses within 200 metres of the site. The Stellenbosch "Moedergemeente" Church and a few art galleries and home museums are situated within 300 metres from the Landbousaal. Due to its location northeast of the popular tourism walk-about routes in Stellenbosch, it can form an excellent link with existing tourist attractions. Various restaurants (including De Warenmarkt and Decameron) and other large and small businesses operate within 500 metres from the site, including Dorp Street with several tourist attractions within 200 metres. The erven have a rural ambiance with scenic trees and no suffocating large buildings in the immediate area.

Proximity to existing economic activities and current business environment: Small retail is the dominant business activity in the nearby CBD area, with guesthouses being the only notable business activities in the immediate area. Leisure and tourism activities are plentiful and the area bustles in the summer and spring months with tourists and locals enjoying the serene tranquility of the Eerste River and surrounding green areas.

3. Possible use for the existing Landbousaal buildings

Below is an evaluation of the suitability of the building to the main use types based on an assessment conducted by Hermansen Burgess Architects:

Offices

The location of the building is not suitable for office accommodation. Although the layout of the building could probably accommodate an open plan type office, it would seem a somewhat mundane use for a magnificent building.

Residential

The building is unsuitable for this purpose.

Storage

The building and surroundings are not conducive for a storage facility since it severely limits the potential of the building.

Tourism

The building is located on the periphery of the 'tourist core' of Stellenbosch and therefore any activity focused on tourists will have to draw them to the Landbousaal. If the activity were tourist orientated, arrangements could be made with local tourism operators to include a visit to the Landbousaal in their itinerary. Location of a tourist serving facility (especially ablution facilities) at the Landbousaal may provide an opportunity to move the tourist busses out of Church Street.

Commercial Retail

The Landbousaal is not well located for commercial retail use that depends on passing trade. Retail functions in support of a draw card activity would probably be more feasible. Any such retailer would have to be able to operate in a heritage building with very limited street presence and advertising.

There may be options around a tasting facility for local produce as a draw card, combined with retail aspects that would be quite appropriate to the history and nature of the building.

Entertainment/Performance

The Landbousaal is a magnificent hall with a high vaulted ceiling. It was designed to serve as a public gathering space and the revival of such functions would be ideal. Various types of entertainment can be hosted in the venue.

Restaurant/Entertainment

A restaurant at this venue will be dependent on the success of a draw card activity at getting people to the venue, or the restaurant will have to be a draw card. The surrounding area is very pleasant with ample parking, so there seems little that would prevent people frequenting a restaurant at the location.

Social/Community

The building could play a social or community role in that it provides an ideal hall for public gathering as well as the possibility of office accommodation. There is also ample parking available. However, it is unlikely that this approach alone would realise the commercial potential of the location and the building, or maximise the potential associated with the edge of the Eerste River.

Hermansen Burgess Architects recommended that the Landbousaal tenancy be divided into two separate parts that could be run by the same lessee:

1. The hall should house a draw card activity that gets residents and tourists to the building. This could be performance art or a tasting centre for local produce, or an important and interesting display. This activity is key to the sustainability of the Landbousaal over the long term and must be carefully selected to ensure that it fulfils its primary function of getting people to the venue.

2. The monopitch part of the hall should house a restaurant or similar activity whose main function (besides financial stability) is to colonise the river's edge.

In this way, the following outcomes can be achieved:

- Public access and enjoyment of the building can be maximized.
- Income to the Municipality can be maximized to offset the maintenance cost of the building.
- The river can be improved and can become a much-enjoyed resource to the public.
- The Landbousaal can become the catalyst for the revival of the historic north bank of the Eerste River.

B: Application in terms of Section 34 of the National Heritage Resources Act (Dr Elzet Albertyn, 2011)

In applying for a permit from Heritage Western Cape (HWC) in terms of Section 34 of the National Heritage Resources Act, a heritage Impact assessment (HIA) was conducted in 2011 by a heritage specialist.

The area around the Landbousaal is significant since this area is the area on which the Stellenbosch town established on 8 November 1679 when Simon van der Stel visited the "Eiland". He and his party camped on a little island in the Eerste River. He named the place "Stellenbosch", commemorating his own name and the wealth of natural vegetation growing there. He decided there and then that this beautiful valley called for settlement and within a year there were already several farmers in Stellenbosch although it was not until 1685 that the hamlet of Stellenbosch was formally demarcated.

Van der Stel indicated four sites to be developed being (a) the Seat of Justice (Drostdy) where the Theological Seminary is now stands; (b) a House of God surrounded by a church yard – the area now bounded by Plein, Andringa, Church and Ryneveld Streets; plots for village inhabitants between these two points; (d) a street running parallel to the river with grounds extended down to the water (Dorp Street).

The construction of the Drostdy commenced immediately in 1686 on the "Eiland" as a residence for the magistrate. After the "eiland" was flooded on numerous occasions, the Eerste River was diverted with the result that the "eiland" does not exist today anymore.

Die Laan with its two rows of old oak trees was established in 1781 to link the Drostdy with the "koloniestuin" and functioned as a pedestrian route only. Die Laan was a very active social area during the 19th century and frequently used for social gatherings, sporting occasions and agricultural exhibitions. The "second mill" in Stellenbosch was previously located on the parking area directly north to the Landbousaal.

The property was transferred to the Stellenbosch municipality in 1908 as land belonging to the Crown with the express condition that it be used for the yearly agricultural

exhibitions and the Stellenbosch Agricultural Society was given the rights to construct buildings for this purpose on the land. (This condition was lifted in 1945). It appears for the records that construction of the Landbousaal started in 1904.

During the first half of the 20th century the building was used for various social activities including a place of assembly for political rallies, weddings, various sporting activities, dancing markets exhibitions and for religious gatherings. The structure was leased to the Stellenbosch Museum in 1975 with the explicit condition that the latter organization takes the responsibility to restore the buildings. This was made possible through a donation.

Due to its significance as well as its architectural importance the Landbousaal was graded a Grade III A Heritage Resources by HWC.

The HIA concluded that although the Landbousaal as a building is not unique, the location of the building is unique. The land with its historical and social associations is of Provincial significance and forms part of the historical core of Stellenbosch.

The implication of the heritage significance of the Landbousaal as it refers to the application is that no alteration or additions to the building can be undertaken without a permit in terms of section 34 issued by HWC. Furthermore, no new buildings or structures can be erected without similar approval.

POLICY CONTEXT

Municipal IDP

The Municipality's IDP dated May 2019 identified various projects and priorities for all its Wards. It also highlights the policies and strategies of the different sector plans.

The municipality identified 5 strategic focus areas, the first being 'Valley of Possibility'. Under this strategic focus area there are 4 predetermined objectives of which the first objective is to 'Create an environment conducive to business development and job creation. There are furthermore three (3) 5-year programmes identified to achieve the objective of which the second program is 'Develop local economic development hubs'. The LED Hubs has also been identified as one of the Legacy Projects in the IDP. The IDP provided the following description of these LED Hubs: "Establish local economic development hubs and allow for the outsourcing of the management of the Hubs to improve efficiency and to strengthen local business opportunities. These hubs will provide entrepreneurs, start-up businesses or growth-orientated SMME'S access to appropriate rental space, affordable business services, flexible leases and access to the mainstream economic activities, where better market access could improve their success ratios."

The Stellenbosch Municipal Council furthermore took a resolution on 29 March 2017 that approval be granted for the establishment of Local Economic Development

(LED) Hubs on several municipal properties located in the Stellenbosch municipal area.

The development of the Landbousaal as an economic hub as proposed is therefore in line with the IDP.

Municipal Spatial Development Framework (MSDF)

The MSDF identifies 7 principles to guide the spatial development of Stellenbosch and provides planning and design guidelines and principles to direct spatial form in the Stellenbosch Municipal Area. The principles include the following:

- Maintain and grow natural assets.
- Respect and grow cultural heritage.
- Direct growth to areas of lesser natural and cultural significance as well as movement opportunity.
- Clarify and respect the different roles and functions of settlements.
- Clarify and respect the roles and functions of different elements of movement structure.
- Ensure balanced, sustainable communities.
- Focus collective energy on critical lead projects.

Specific strategies proposed in the MSDF as it relates to the Landbousaal includes the following:

- Maintain the integrity of historically and culturally significant precincts and places.
- Improve public space and movement routes within historically and culturally significant precincts, with a focus on pedestrianisation.
- Work to grow the extent of historically and culturally significant precincts and places in daily use and accessible to the public (through appropriate re-design and use of specifically disused buildings).
- Pro-actively improve conditions for walking and NMT within Stellenbosch town.
- As far as possible, focus investment on parks, open space, and social facilities accessible by public and NMT, in this way also increasing the surveillance of these facilities.

The proposed utilization for the Landbousaal, a historic significant property located in a predominantly residential and park environment for economic inclusion is thus aligned to the goals of the MSDF as well as the SPLUMA principles particularly the principle of spatial justice.

CONCLUSION

The Landbousaal is in an area with a significant history of social importance. Regrettably, in the past the facility was seldom used actively nor visited by the broader Stellenbosch public. It is only recently since the buildings are used by the e’Bosch Heritage Festival Stellenbosch for social celebrations on Heritage Day that its

importance as a place of social gathering is somewhat celebrated. The continuation of this important festival in this location is thus supported fully.

The proposed use of the building for arts and crafts, a café and for the Stellenbosch Trail Fund is similarly supported as it aims to further the economic goals of the municipality and is in support of the goals of the MSDF. However, the location of these facilities within an established residential and tourist area may have an impact on the immediate area should care not be taken to restrict business hours to trading during when tourist, pedestrians and cyclist may want to visit the facility. Previous applications for general business purposes that would have allowed for the operation of a restaurant with liquor license and that would also have traded after hours, was met with strong resistance by the surrounding landowners due to expected anti-social behaviour that is associated with such uses.

The public parking should however be directly related to these uses and not for long terms casual parking as it will inevitably be at the expense of the lessees.

RECOMMENDATION

1. That the application for the rezoning of the lease areas on Erf 2751 zoned as public open space to local authority and general business be approved subject to the following conditions:
 - a. The rezoning of property is restricted to the current lease areas only and will not include the remained of the public open space.
 - b. Business hours be restricted to normal working hours and will excluded operating during the evenings.
 - c. The public parking area remains attached to the rezoned properties and may not be used for unrelated long term public parking.
 - d. The public parking area may not be tarred. Should a hard surface be envisaged in future, the surface must consist of laterite or alternatively a material that gives the impression of laterite to preserve the appearance of the original surface.
 - e. No alterations or additions to the structures which is Graded IIIA may be done without a permit form HWC.
 - f. No additional buildings may be erected without a permit of Heritage Western Cape.
 - g. No signage may be displayed without written approval of the municipality and any signage must consider the heritage significance of the buildings and the residential character of the immediate surroundings.

2. That approval be granted for the extension of the validity period of a temporary departure to use Erf 2751, Stellenbosch and a portion of the road known as 'Die Laan', for a one-day event (Heritage Festival) on 24 September, for five years, i.e., 2021 - 2026.



BJG de la Bat
MANAGER : SPATIAL PLANNING

ANNEXURE F

Directorate: Infrastructure Services
comments

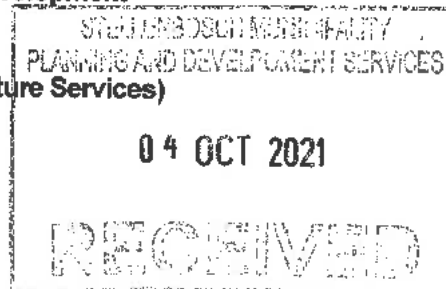


STELLENBOSCH MUNICIPALITY
STELLENBOSCH-PNIEL-FRANSCHHOEK

MEMORANDUM

DIREKTEUR: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

To - Aan:	Director: Planning + Economic Development
Att Aandag	Nicole Katts
From - Van:	Manager: Development (Infrastructure Services)
Author - Skrywer:	Tyrone King
Date - Datum:	19 October 2020
Our Ref - Ons Verw:	Civil LU 2078
Your Ref:	LU/10301
Re - Insake:	Erf 2751: LED hub and parking



The application is recommended for approval, subject to the following:

1. **Civil Engineering Services**
 - 1.1 No objection, no municipal services are affected.
 - 1.2 The formalization of the parking layout: drawings to be submitted to Infrastructure services for approval before construction.
2. **Traffic Engineering and Parking: Comments from Manager: Traffic Engineering, Mr Nigell Winter (021 808 8223)**
 - 2.1 On Plan 3 "Typical/Concept site layout plan" an entrance\exit is indicated within 5.5m of the Pastorie Street and Die Laan intersection – which is sub-standard and must be closed.
 - 2.2 Only the entrance\exit indicated at 21.5m from the Pastorie Street and Die Laan intersection is accepted and that a vehicle circulation plan must be presented to access parking bays P1-P15.
 - 2.3 These requirements must be addressed and approved by Mr Winter at building plan stage.

E 2751 S

714637

3. Electrical Engineering

3.1 Refer to Annexure: Electrical Engineering



**Tyrone King Pr Tech Eng
MANAGER: DEVELOPMENT (INFRASTRUCTURE SERVICES)**

W:\2.0 DEVELOPMENT\00 Developments\2078 (TK) Erf 2751 Stellenbosch (LU-10301)\2078 (TK) Erf 2751 Stellenbosch (LU-10301).doc

ERF 2751

1. No Objection

CONDITIONS:

2. Appropriate caution shall be taken during construction, to prevent damage to existing service cables and electrical equipment in the vicinity. Should damage occur, the applicant will be liable for the cost involved repairing damages.

Bradley Williams

Date.....23/09/2021.....



Signature

ANNEXURE G

Cape Winelands Health Department

7



CAPE WINELANDS DISTRICT
MUNICIPALITY • MUNISIPALITEIT • UMASIPALA

MEMORANDUM TO/ AAN : N. Katts
(Directorate Planning Economic & Development: Stellenbosch Municipality)
Official / Beampste : Mr F.C. van Wyk
Your ref/ U vrew. : ERF 2751, Stellenbosch
Ref No / Verw. No : 15/2/6/1
Date / Datum : 2020-08-13

STELLENBOSCH MUNICIPALITY
PLANNING AND DEVELOPMENT SERVICES

24 NOV 2020

RECEIVED

APPLICATION FOR TEMPORARY DEPARTURE: ERF 2751, STELLENBOSCH

There are no objections from an Environmental Health point of view into this application, subject to compliance with the following:

1. All sewage / wastewater must be disposed of in such a manner that it does not create a health nuisance. Must be connected to the existing municipal system.
2. The applicant should apply for the Refuse Removal Service from Stellenbosch Municipality or alternately an adequate waste removal service must be used. Refuse bins must be strategically placed and accessible to the public.
3. In the event where food will be prepared or handled and or served to the public, the applicant must apply in writing to the Municipal Health Services Department of the Cape Winelands District Municipality for a Certificate of Acceptability in terms of Regulation 962 of 23 November 2012.
4. Strict adherence to all COVID-19 related guidelines and Regulations to be observed.
5. In the event where any noise generating activity will be conducted on the premises, the onus lies on the owner to ensure that the necessary noise evaluation is carried out and that the results are submitted to local authority (SANS 10103 of 2003)
6. An adequate water supply that complies with the national standards for drinking water (SANS 0241:2001) must be provided. It is advised that bottled water also be made available to the participants of this event.

Yours faithfully

F.C. VAN WYK
for MUNICIPAL MANAGER

FILE NR:	
SCAN NR:	E 2751 S
COLLABORATOR NR:	698761

ANNEXURE H

Previous temporary departure approval.

(24)

Application Number: LU/4710
 Erf Number: Erf 2751, Stellenbosch
 Your Reference Number:
 Enquiries: N Dafeti / B Mdoda
 Contact No. 021 808 8640 / 8690
 Date: 19 October 2016

REGISTERED MAIL

Dirkie Van Der Merwe
 PO Box 3405
 Matieland
 7602

Sir/Madam

FILE NR:	OUTGOING POST
ERF 2751 SB LU/4710	
SCAN NR:	
COLLABORATOR NR:	469411

APPLICATION FOR TEMPORARY DEPARTURE: ERF 2751, 2-16 DIE LAAN, STELLENBOSCH

1. This Municipality's letter dated 20 September 2016, refers.
2. I wish to advise that the appeal process has now been concluded and herewith confirm that no appeal has been lodged with the Municipality as contemplated in section 79(2) of the Stellenbosch Municipal Land Use Planning By-law.

Accordingly, you may now act on the decision detailed in the letter 20 September 2016, subject to compliance with the conditions of approval

Yours faithfully


 FOR DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT

File

Application Number: LU/4710
 Erf Number: Erf 2751, Stellenbosch
 Your Reference Number:
 Enquiries: N Dafeti / B Mdoda
 Contact No. 021 808 8640 / 8690
 Date: 2016-09-20

REGISTERED MAIL

Dirkie Van Der Merwe
 PO Box 3405
 Matieland
 7602

Sir/Madam

FILE NR:	OUTGOING POST
Erf 2751 SB	LU/4710
SCAN NR:	
COLLABCRATOR NR:	402510

APPLICATION FOR TEMPORARY DEPARTURE: ERF 2751, 2-16 DIE LAAN, STELLENBOSCH

1. Your application in the above regard, refers.
2. The Authorised Employee on 16 September 2016, **approved, in whole** your application for a temporary departure in order to use Erf 2751, Stellenbosch and a portion of the road, known as Die Laan, for a one day event (Heritage Festival) on 24 September, for five years ie. 2016 - 2020 (See **APPENDIX 3**), in terms of Section 60 of the Stellenbosch Municipal Land Use Planning By-law, subject to the conditions attached as **Appendix 1**.
3. Reasons for the above decision are as follows:
 - The proposal is not likely to have a negative impact on the surrounding property owners as it is a one day event only. Sufficient parking will be available in designated parking areas and the proposal will have no detrimental impact on the existing infrastructure. Council has granted approval for this event on more than one occasion.
4. You are hereby informed of your right to appeal to the Appeal Authority in terms of section 79(2) of the said legislation.
 - 4.1 The attached appeal form must be completed and should be directed to the Appeal Authority and received by the Municipal Manager at P O Box 17, Stellenbosch, 7599 or faxed to 021 886 6899, or hand delivered to the Advice centre, Land Use Management, Ground floor, Plein Street, Stellenbosch within 21 days of notification of this decision together with proof of payment of the appeal fee to the amount of R 1500.00.
 - 4.2 You are requested to simultaneously serve notice of the appeal on any person who commented on the application and any other persons as the Municipality may determine (see attached list). Proof of serving the notification must be submitted to the Municipality, within 14 days of serving the notification.

- 4.3 The notice must be served in accordance with section 35 of the said legislation and in accordance with the additional requirements as may be determined by the Municipality. The notice must invite persons to comment on the appeal within 21 days from date of notification of the appeal.
5. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.
6. Kindly note the above decision is suspended and may therefore not be acted on until such time as the period for lodging appeals has lapsed, any appeal has been finalised and you've been advised accordingly.

Yours faithfully



FOR DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT



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APPENDIX 1
FILE NO: ERF 2751, STELLENBOSCH

In this approval document:

"Council" means the Stellenbosch Municipality

"the owner" means the registered owner of the property.

"the site" means Erf 2751, STELLENBOSCH

"scheme regulation" has the meaning assigned thereto by the Western Cape Land Use Planning Act (No. 3 of 2014).

Extent of Approval: Temporary Departure in order to use Erf 2751, Stellenbosch and a portion of the road, known as Die Laan, for a one day event (Heritage Festival) on 24 September, for five years (2016-2020).

CONDITIONS IMPOSED IN TERMS OF SECTION 66 OF THE LAND USE PLANNING BYLAW:

1. That the approval applies only to the application in question (See **APPENDIX 3**) and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;
2. That the approval for a temporary departure is only valid for 5 years from date of final notification;
3. That sufficient ablution and refuse facilities be placed on the site;
4. That should any structures be constructed onsite, an approval be obtained from the Department: Building Development Management prior to the event taking place;
5. That should the activity pose a noteworthy nuisance to the surrounding area, the applicant be responsible to implement necessary mitigating measures within a reasonable time to the satisfaction of Council;
6. That should a noise permit be required that same be obtained from the Directorate: Community and Protections Services prior to the event taking place;
7. That the events license be obtained prior the date of the event;
8. That the conditions of the Director: Engineering Services as specified in their memo dated 24 August 2016 be complied with (see **Appendix 6**);
9. That the conditions of the Director: Fire Services as specified in their comment dated 17 August 2016 shall be complied with (see **Appendix 7**);
10. That council reserves the right to impose further conditions if deemed necessary.

COMPILED AND RECOMMENDED BY:



R. FOOY
SENIOR TOWN PLANNER
LAND USE MANAGEMENT

15/09/2016
 DATE



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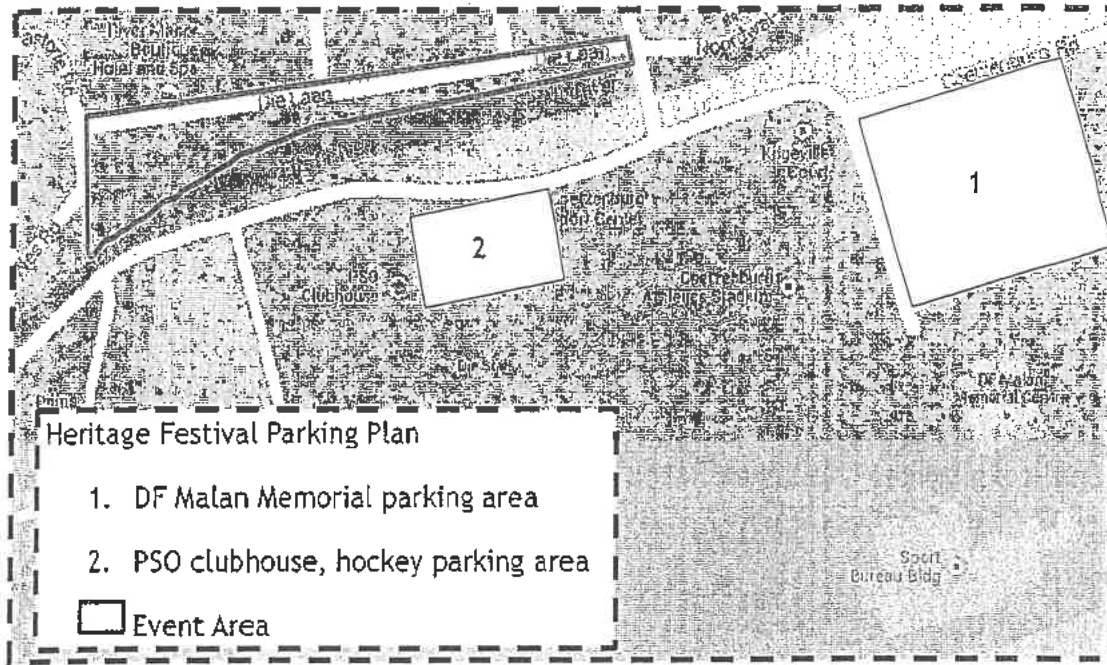
DECISION BY: THE AUTHORISED EMPLOYEE IN TERMS OF SECTION 60 OF THE STELLENBOSCH MUNICIPAL PLANNING BYLAW:

DECISION BY: THE AUTHORISED EMPLOYEE IN TERMS OF SECTION 60 OF THE STELLENBOSCH MUNICIPAL PLANNING BYLAW:

That the application for for a Temporary Departure in order to use Erf 2751, Stellenbosch and a portion of the road, known as Die Laan, for a one day event (Heritage Festival) on 24 September, for five years (attached as **Appendix 3**) be;

APPROVED	X	APPROVED IN PART	REFUSED
<p>If approved, that all the conditions of approval be adhered to as stipulated on page 3 of this report.</p> <p>SIGNATURE: <u><i>H. edwards</i></u> DATE: <u>16-09-2016</u></p> <p><i>acting.</i></p> <p>AUTHORISED EMPLOYEE: DUPRE LOMBAARD: DIRECTOR: PLANNING & ECONOMIC DEVELOPMENT.</p> <p>ADDITIONAL COMMENTS:</p> <hr/> <hr/> <hr/> <hr/>			

Heritage Festival Parking Plan



Both designated parking areas will have security guards patrolling the vehicles and at access/egress points.

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STELLENBOSCH MUNICIPALITY
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MEMORANDUM

DIREKTORAAT: INGENIEURSDIENSTE
DIRECTORATE: ENGINEERING SERVICES

To - Aan: Director: Planning + Economic Development
Att Aandag Ms. B. Mdoda
From - Van: JJ. Fourie (Development Services)
Date - Datum: 24/08/2016
Our Ref - Ons Verw: Lupo 1284
Re - Insake: Erf 2751 Stellenbosch: Proposed temporary departure (Heritage Festival)

The application for a temporary departure to utilize the Public Open Space on Erf 2751 for the Heritage Festival refers.

The application is recommended for approval subject to the following conditions:

1. Applicant will be responsible for the liaison with the Traffic Department for the erection of the road closure signs and traffic accommodation.
2. A notice must be placed in the local media notifying the public of the road closure as well as pamphlet delivered to the properties in the affected area.
3. Care must be taken to protect the existing municipal services including the trees and all damage will be for the account of the applicant.
4. The approval is granted from 06h00 until 20h00 on 24 September 2016.
5. Access to the properties in the affected area must be maintained at all times.
6. A 355 mm diameter water pipe is situated on the southern side of the road in close proximity of the 66kv cable.

Please note that this approval is granted only for the partial road closure for the following intersections:

- The corner of Die Laan and Noorwal-wes
- The corner of Die Laan and Noordwal-Oos (at the Coetzenburg bridge)
- The corner of Die Laan and Neethling Street
- The corner of Die Laan and Rattray Street

JJ. FOURIE
DEVELOPMENT SERVICES (ENGINEERING SERVICES)

INTERDEPARTMENTAL CIRCULATION FORM

L&ER VERW/ FILE REF	Erf 2751, Stellenbosch	DATE	21 July 2016
AANSOEKNUMMER/APPLICATION NUMBER	LU/4710		
MEMO AAN/ TO :			
	Director : Traffic Engineer / Engineering Services		
	Manager : Electrical Department		
	Manager : Building Development Management		
<input checked="" type="checkbox"/>	Manager : Fire Services		
	Manager: Spatial Planning / Heritage / Environment / Signage		
	Manager: Health Department (Winelands Health)		
	Chief Financial Officer		
	Manager: Property Management		
	Manager: Local Economic Development (LED)		
	Manager : Law Enforcement		



Application	Proposed temporary departure in terms of Section 15(2)(c) of the Stellenbosch Municipal Land Use Planning By-law, (2015) to utilise the Public Open Space on Erf 2751 for the Heritage Festival which will be held on the 24 September 2016.
Adres / Address	2-16 Die Laan, Stellenbosch
Aansoek Datum / Application Date	13 June 2016
Aansoeker / Applicant	Dirkie Van Der Merwe

Aangeheg vind u tersaaklike dokumentasie in verband met bogenoemde aansoek. Ten einde my in staat te stel om die aansoek aan die besluitnemingsowerheid vir oorweging voor te lê, word u versoek om my skriftelik van u kommentaar, indien enige, te voorsien. Onderskei asseblief tussen algemene kommentaar op die meriete van die aansoek en enige voorwaardes wat u departement wil opleë indien die aansoek goedgekeur word.

Attached please find the relevant documentation regarding the abovementioned application. Kindly furnish me with your written comment, if any, in order to enable me to submit the application to the decision making authority for consideration. Please differentiate between general comment on the merits of the application and any conditions that your department wishes to impose should the application be approved.

Geliewe die memorandum per hand aan my terug te besorg voor of op:
Please hand deliver the memorandum to me on or before : **21 August 2016**

B Mdoda
For **DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT**

ALGEMENE KOMMENTAAR / GENERAL COMMENT: *In Order*

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VOORWAARDES/CONDITIONS : *Fire requirements for structures and tents will be given when application for the event is received.*

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HANDTEKENING / SIGNATURE	DATUM/ DATE
<i>[Signature]</i>	<i>29/07/2016</i>

FILE NR:

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E2751S

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